OCEAN BLUFF RESIDENTIAL
Draft Environmental Impact Report

MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023, ENV-007304-2024

SCH No. 2024080571

May 2025

Prepared for:

Development Services Department
Planning Division
505 S. Vulcan Avenue
Encinitas, CA 92024

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1. INTRODUCTION

1.1 Purpose of an EIR

This Environmental Impact Report (EIR) is an informational document intended for use by the City of Encinitas (City) decision-makers and members of the general public in evaluating the potential environmental effects of the Ocean Bluff Residential project (project). This document has been prepared in accordance with, and complies with, all criteria, standards, and procedures of the California Environmental Quality Act (CEQA) of 1970 as amended [Public Resources Code Section 21000 et seq.] and CEQA Guidelines [Title 14, California Code of Regulations (CCR) Section 15000 et seq.]. This document represents the independent judgment of the City as lead agency (CEQA Guidelines Section 15050).

In accordance with CEQA Guidelines Section 15161 and as determined by the City, this document constitutes a "project EIR." The project proposes the subdivision of four lots into 27 lots, the construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable units) in compliance with State Density Bonus Law (California Government Code Section 65915 et seq.), as well as the construction of a private road, and associated utility and drainage improvements on a 7.2-acre property. The project requests waivers as permitted under State Density Bonus Law. Waiver requests allow projects to waive certain development standards that would physically preclude the construction of the project at the proposed density. The project site is located within the Coastal Zone. City approval of tentative map, design review permit, and coastal development permit (Case Nos. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023 and ENV-007304-2024) will be required to allow for project development.

This EIR provides decision makers, public agencies, and the general public with detailed information about the potential significant environmental impacts of the project. By recognizing the environmental impacts of the project, decision makers will have a better understanding of the physical and environmental changes that may accompany implementation of the project. This EIR includes required mitigation measures that, when implemented, would reduce or avoid project impacts, to the extent feasible. Alternatives to the project are presented to evaluate feasible alternative development scenarios that can further reduce or avoid any significant impacts associated with the project. Refer to Chapter 5, *Alternatives*, for a description of the project alternatives.

1.2 EIR Adequacy

The principal use of this EIR is to evaluate and disclose potential environmental impacts associated with the implementation of the proposed project. An EIR is an informational document and is not intended to determine the merits or recommend approval or disapproval of a proposed project. Ultimately, the City decision-makers must weigh the environmental effects of a proposed project among other considerations, including planning, economic, and social concerns.

City staff will prepare a "staff report" that synthesizes pertinent environmental and planning information into a single document. The staff report will be presented to the City decision makers. Given the important role of the EIR in this planning and decision-making process, it is imperative

that the information presented in the EIR be factual, adequate, and complete. The standards of adequacy of an EIR, defined by CEQA Guidelines Section 15151, are as follows:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and good faith effort at full disclosure.*

1.3 Document Organization

The content and organization of this EIR are in accordance with the most recent versions of CEQA and the CEQA Guidelines. Technical studies have been summarized within individual environmental issue sections and/or summary sections, and full technical studies have been included in the appendices to this EIR and are available for review during the public comment period.

This EIR has been organized in the following manner:

- Chapter 1, *Introduction*, provides a discussion regarding the purpose of the EIR and EIR adequacy, discusses document organization, distribution of the notice of preparation and public noticing, environmental topics to be discussed, and environmental procedures/solicitation of public comments.
- Chapter 2, *Summary*, outlines the conclusions of the environmental analysis and a summary of the project as compared to the alternatives analyzed in this EIR. The Summary also includes a table summarizing all identified environmental impacts, along with the associated mitigation measures proposed to reduce or avoid each impact. In addition, this section includes a discussion of areas of controversy known to the City, including those issues identified by other agencies and the public during the scoping process.
- Chapter 3, *Project Description*, provides a detailed description of the project, including its location, existing environmental setting, project objectives, project characteristics, project construction details, and required project approvals and regulatory requirements.
- Chapter 4, *Environmental Impact Analysis*, provides a detailed impact analysis for each environmental issue addressed in detail. For each topic, there is a discussion of baseline environmental conditions, regulatory framework, the thresholds identified for the determination of significant impacts, and an evaluation of the impacts associated with implementation of the project. Where the impact analysis demonstrates the potential for a significant adverse impact on the environment, mitigation measures that would minimize the significant effects are provided. The EIR indicates whether the mitigation measures would reduce impacts to below a level of significance.
- Chapter 5, *Alternatives*, provides a description and evaluation of alternatives to the project. This section addresses the mandatory No Project Alternative, a Reduced Footprint Alternative, and a Reduced Density Alternative. This chapter also identifies the environmentally superior alternative.

- Chapter 6, *Other CEQA Considerations*, addresses environmental issues determined not to have the potential for significant adverse impacts as a result of the project. The section addresses other items required by CEQA, including cumulative impacts. Growth-inducing impacts, significant and irreversible environmental changes, and unavoidable significant environmental impacts.
- Chapter 7, *Report Preparers*, lists all individuals that participated in the preparation of this EIR.
- Chapter 8, *References*, contains the source materials and document references relied upon in the EIR analysis.
- Appendices to the EIR presents data supporting the analysis or contents of this EIR.

1.4 Notice of Preparation

The development of the proposed project is subject to the requirements of CEQA because it is an action subject to discretionary approval by a public agency (in this case, the City of Encinitas) that has the potential to result in a physical change in the environment.

The City began the environmental review process pursuant to CEQA by sending out a Notice of Preparation (NOP), including a project description and the location of the project site (**Appendix A**, *Notice of Preparation and Notice of Preparation Comments*). The NOP was distributed locally to interested local public agencies, nearby landowners and the general public, and to the State Clearinghouse (SCH) for distribution to state responsible and trustee agencies.

The locally distributed NOP was filed with the San Diego County Clerk on July 12, 2024, and provided on the City's website. The CEQA-required 30-day NOP review period began on August 14, 2024, and ended on September 12, 2024, and identified that the City intended to prepare an EIR for the proposed project. The NOP served as a chance for interested local public agencies and the general public to comment on the proposed project and the scope and content of environmental issues to be examined in the EIR. No scoping meeting was required for the project.

Comments regarding the proposed project were received by the City and are included in Appendix A. **Table 1-1**, *Summary of Notice of Preparation Comments from Agencies and Organizations*, provides a summary of the NOP comments received from agencies and organizations. In addition to the comments received from organizations and agencies and listed in Table 1-1, comments were received from members of the public, including local residents and adjacent property owners. These comment letters covered a wide breadth of topics and issues of environmental concern. In summary, comment letters expressed concern regarding increased traffic and speeding, increased noise from construction and project traffic, safety of commutes for children and bicyclists and surrounding schools, traffic calming measures, aesthetics, air quality and greenhouse gas emissions, runoff and erosion, cultural resources, cumulative projects, conducting traffic studies during school hours, tree removal, emergency evacuation access, inadequate parking, stability of sandstone bluffs, wildlife impacts, and project density. All comments received in response to the NOP are included in Appendix A.

TABLE 1-1
SUMMARY OF NOTICE OF PREPARATION COMMENTS FROM AGENCIES AND ORGANIZATIONS

Agency or Organization	Comment Summary	EIR Chapter/Section Addressing Comment
North County Transit District (NCTD)	NCTD requests the inclusion of bus stop improvements near the project site for BREEZE Route 309.	Chapter 3, *Project Description*, and Section 4.8, *Transportation*
California Department of Toxic Substances Control (DTSC)	Potential presence of contaminants of concern from past agricultural use; contaminated soil.	Section 6.5, *Effects Found Not to be Significant* (Subsection 6.5.5, *Hazards and Hazardous Materials*)
California Department of Fish and Wildlife (CDFW)	Crotch's bumble bee, nesting birds, requirements for biological resources assessment, direct and indirect impacts on biological resources, cumulative impacts, mitigation measures and mitigation requirements, scientific collecting permits, lake and streambed alteration, wetland resources, and use of native plants and trees.	Chapter 3, *Project Description*, and Section 4.4, *Biological Resources*
California Department of Transportation (Caltrans)	Complete streets and mobility network; land use and smart growth; availability of affordable and reliable high-speed broadband; Caltrans right-of-way.	Chapter 3, *Project Description*, and Section 4.8, *Transportation*

1.5 Environmental Topics Addressed

Pursuant to CEQA Guidelines Section 15060(d), if a lead agency can determine that an EIR will be clearly required for a project, the agency does not need to prepare an initial study and can begin work directly on the EIR. Because the City did not prepare a formal initial study for the proposed project, all CEQA environmental issue areas are addressed in the EIR. Specifically, the environmental topics listed below are analyzed in this EIR, with eight topics included in Chapter 4, *Environmental Impact Analysis*, and the remaining twelve topics analyzed in Chapter 6, *Other CEQA Considerations*:

- Topics Analyzed in Chapter 4, *Environmental Impact Analysis*:
  - Aesthetics
  - Air Quality
  - Biological Resources
  - Cultural Resources
  - Land Use and Planning
  - Noise and Vibration
  - Transportation
  - Tribal Cultural Resources
- Topics Analyzed in Chapter 6, *Other CEQA Considerations* (specifically in the *Effects Found Not to Be Significant* subsection):
  - Agriculture and Forestry Resources
  - Energy
  - Geology and Soils
  - Greenhouse Gas (GHG) Emissions
  - Hazards and Hazardous Materials
  - Hydrology and Water Quality
  - Mineral Resources
  - Population and Housing
  - Public Services
  - Recreation
  - Utilities and Service Systems
  - Wildfire

1.6 EIR Processing

This Draft Environmental Impact Report (Draft EIR) has been distributed to various federal, state, regional, county, and city agencies and interested parties for a 45-day public review period in accordance with CEQA Guidelines Section 15087. In addition, this Draft EIR, including supporting technical documentation, is available to the general public for review during normal operating hours at the City of Encinitas Development Services Department at 505 S. Vulcan Avenue, Encinitas, CA 92024. Copies are available to the public upon payment of a charge for reproduction. Copies are also available for review at the following locations: (1) Encinitas Library (540 Cornish Dr, Encinitas, CA 92024) and (2) Cardiff-by-the-Sea Library (2081 Newcastle Avenue, Cardiff, CA 92007). The Draft EIR is also posted on the City of Encinitas official website at https://www.encinitasca.gov/government/public-notices/development-services-public-notices/environmental-notices.

1.7 Comments Requested

Interested parties may provide written comments on the Draft EIR before the end of the 45-day public review and comment period. Written comments on the Draft EIR must be submitted to:

Esteban Danna, Senior Planner
City of Encinitas Development Services Department
505 S. Vulcan Avenue
Encinitas, CA 92024

Comments may also be e-mailed to edanna@encinitasca.gov.

Following the 45-day public review and comment period for the Draft EIR, the City will prepare a written response for each written comment received on the Draft EIR. The written comments and City responses to those comments, as well as any required EIR changes, will be incorporated into a Final EIR. The Final EIR will be reviewed by the City decision makers at the time the proposed project is considered for approval.

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2. SUMMARY

2.1 Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15123, this section of the Environmental Impact Report (EIR) contains a summary of the Ocean Bluff Residential project (proposed project) and its environmental effects. More detailed information regarding the proposed project and its potential environmental effects is provided in the following sections of this EIR. The City of Encinitas (City) is the lead agency for the proposed project. The summary includes an overview of the project location and setting, the project objectives, project characteristics, project approvals, an overview of project alternatives, a general description of areas of known controversy and issues to be resolved, and a table providing a summary of the project's impacts and proposed mitigation measures.

2.2 Project Location and Setting

The 7.2-acre project site is located at 501 Ocean Bluff Way, Encinitas, California on four parcels (Assessor Parcel Numbers 258-141-23, 258-141-24, 258-141-25, and 258-141-26). The City is surrounded by the cities of Carlsbad to the north and Solana Beach to the south, County of San Diego to the east and the Pacific Ocean to the west. The property is located in central Encinitas south of Encinitas Boulevard approximately 0.6 miles east of Interstate 5 (I-5) and 0.5 miles west of El Camino Real. Locally, the project site is situated along the northern frontage of Ocean Bluff Way between Camino De Orchidia and Camino El Dorado. Ocean Bluff Way provides direct access to the project site; no site access is available from Encinitas Boulevard.

The property is currently vacant and surrounded by existing single-family residential development to the south and west, commercial areas to the east, public roadway to the north and south, with small patches of undeveloped lands to the north, east, and west. Three wireless telecommunications antenna facilities and eight trees are present on the project site. The site is designated by the General Plan for rural residential and residential use, with the northern parcel zoned Rural Residential 2 (RR-2), which allows for up to 2 dwelling units (DUs) per net acre, and the southern three parcels zoned Residential 3 (R-3), which allows for up to 3 DUs per net acre (see Figure 4.6-2 for the zoning configuration on the project site). The site is situated in the Coastal Zone and outside the Coastal Appeal Zone.

2.3 Project Objectives

California Environmental Quality Act (CEQA) Guidelines Section 15124(b) requires the project description to contain a statement of objectives that includes the underlying purpose of the proposed project. To achieve the need and purpose of the proposed project, the following project objectives are identified.

1. Assist the City in expanding its regional housing stock of single-family dwelling units in accordance with the goals established in the General Plan Housing Element.

2. Provide new affordable homeownership opportunities for very low-income households that will assist the City in meeting its state-mandated affordable housing requirements.
3. Develop a previously developed, vacant, infill property with residential housing that complies with the Encinitas General Plan, applicable zoning and State Density Bonus Laws.
4. Locate new development in a portion of the City where there is existing capacity to accommodate the required infrastructure and public services needs of the project.
5. Place residential dwelling units within a short walking or driving distance of local schools.
6. Use a comprehensive style of architecture and design elements that ensures high-quality site aesthetics and provides variety in both building layouts and types.
7. Limit encroachment into environmentally sensitive habitat and steep slopes by integrating retaining walls, using sensitive grading techniques and taking access from Ocean Bluff Way.
8. Protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement.
9. Create an economically viable project featuring three "very low income" affordable housing units that can be implemented within the current and projected economic conditions.

2.4 Project Characteristics Summary

The project consists of the subdivision of an approximately 7.2-gross-acre property composed of four legal lots into 27 residential housing lots to accommodate the grading and construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable housing units), as well as the construction of a private drive, landscaping, and associated utility, drainage, and stormwater improvements. Development would occur on approximately 4.6 acres of the 7.2-acre project site. Access onto the site would be via a new private looped drive extended from two locations along Ocean Bluff Way between Camino De Orchidia and Camino El Dorado. The project includes construction of frontage improvements to create a parkway along Ocean Bluff Way, including curb, gutter, sidewalk, pedestrian ramps, and landscaping. The proposed frontage improvements would allow for connectivity with an existing pedestrian ramp at the east end of Ocean Bluff Way. The project would implement State Density Bonus Law (California Government Code Section 65915 et seq.) by proposing the construction of 27 single-family dwelling units (24 market-rate units and 3 affordable units). The project requests waivers as permitted under State Density Bonus Law, which allow projects to waive certain development standards that would physically preclude the construction of the project at the proposed density.

2.5 Project Approvals

The City is the lead agency for the project, as it is the agency with primary authority over the project's discretionary approvals. One other public agency, identified as a responsible agency, will also use the EIR for their consideration of approvals or permits under its authority. The approvals anticipated to be required from the lead agency, trustee agencies, and/or applicable responsible agency include tentative map, design review permit, and coastal development permit (Case Nos. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023 and ENV-007304-2024). The project

would also require a General Construction Stormwater Permit from the San Diego Regional Water Quality Control Board.

2.6 Overview of Project Alternatives

In addition to the proposed project, this EIR evaluates the potential environmental impacts resulting from implementation of alternatives to the proposed project, at a qualitative level of detail. The alternatives are summarized below, with a detailed discussion of the alternatives provided in Chapter 5, *Alternatives*, of this EIR.

- **No Project Alternative.** This alternative assumes that the project would not occur, and the project site would remain in its current condition.
- **Reduced Footprint Alternative**. The Reduced Footprint Alternative would develop the site with 27 multi-family units configured in a series of two-story multi-family housing structures. Development of this alternative would require the approval of a use permit for a multi-family housing development in single-family residential zone (EMC 30.16.020B). Under this alternative, the project would satisfy its inclusionary housing requirements on-site by constructing 15 percent of the units as very-low-income qualifying units allowing for a density bonus of 50 percent as allowed by the EMC. This alternative would develop approximately 2 acres of the project site with the proposed multi-family residential development. The project disturbance footprint would be reduced by approximately 2.5 acres compared to the approximately 4.6-acre project footprint.
- **Reduced Density Alternative.** The Reduced Density Alternative would result in the development of the project site with 23 market-rate and 2 affordable single-family residential units. This development would occur on approximately 4.6 acres of the 7.2-acre project site. Under this scenario, this alternative would satisfy its inclusionary housing obligation by constructing 15 percent affordable housing, as compared to 17 percent affordable housing units under the proposed project. In addition, this alternative would use the same two affordable units to comply with State Density Bonus Law. A density bonus of 50 percent would be allowed by the EMC for a total allowance of 25 residential units.

2.7 Areas of Controversy and Issues to Be Resolved

As lead agency, the City prepared and circulated a Notice of Preparation (NOP) to all responsible and trustee agencies, as well as various governmental agencies, including the Governor's Office of Land Use and Climate Innovation's State Clearinghouse. Comments on the NOP were received from the North County Transit District, California Department of Toxic Substances Control, California Department of Fish and Wildlife, and California Department of Transportation. In addition to the comments received from the identified organizations and agencies, comments were received from members of the public, including local residents and adjacent property owners. These comment letters covered a wide breadth of topics and issues of environmental concern. In summary, comment letters received during the public scoping period expressed concern regarding increased traffic and speeding, increased noise from construction and project traffic, safety of commutes for children and bicyclists and surrounding schools, traffic calming measures, aesthetics, air quality and greenhouse gas emissions, runoff and erosion, cultural resources, cumulative projects, conducting

traffic studies during school hours, tree removal, emergency evacuation access, inadequate parking, stability of sandstone bluffs, wildlife impacts, and project density.

2.8 Summary of Significant Environmental Impacts and Mitigation Measures That Reduce or Avoid the Significant Impacts

Table 2-1, *Summary of Significant Project Impacts and Proposed Mitigation Measures*, summarizes significant environmental impacts, mitigation measures, and level of significance after mitigation associated with the proposed project. Detailed analysis of these topics is included in Chapter 4 under each corresponding subsection of that chapter.

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
Aesthetics		
No significant aesthetic impacts were identified.	No mitigation measures are required.	N/A
Air Quality		
The project would result in the exposure of sensitive receptors to toxic air contaminants from construction diesel exhaust emissions in excess of San Diego Air Pollution Control District's threshold, resulting in a potentially significant impact.	**Mitigation Measure AQ-1: Tier 4 Interim Construction Equipment**. Prior to the commencement of construction activities for the project, the applicant shall require its construction contractor to use California Air Resources Board (CARB)-certified Tier 4 Interim engines for all diesel-powered equipment pieces that are 25 horsepower or greater through all phases of construction. In the event of changed circumstances (e.g., changes in availability of specific types of construction equipment), the applicant may submit a request to the City of Encinitas Development Services Planning Division to apply an equivalent method for achieving project-generated construction emissions that fall below the numeric cancer risk standards established by the San Diego Air Pollution Control District (SDAPCD). Documentation using industry-standard emission estimation methodologies shall be furnished to the City of Encinitas Development Services Planning Division demonstrating that estimated project-generated construction emissions would not exceed the applicable SDAPCD cancer risk threshold with alternate construction method(s). If the documentation demonstrates the project-generated construction emissions will remain below the applicable SDAPCD cancer risk threshold, then the City of Encinitas Development Services Director may approve the alternate construction method(s), at the Director's discretion. Required construction equipment fleet and methodologies approved by the City of Encinitas shall be included in the contract specifications for the applicant's construction contractor.	Less than significant

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
Biological Resources		
The project would result in potentially significant direct impacts to special-status wildlife species and active bird nests.	**Mitigation Measure BIO-1: Temporary Fencing Installation.** The project applicant shall install temporary fencing (with silt barriers) at the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed to the satisfaction of the Encinitas Development Services Department and in a manner that does not impact habitats to be preserved and shall utilize materials and deployment methods to minimize and avoid wildlife hazards, including entrapment. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the wildlife agencies. Any habitat impacts that occur beyond the approved fence shall be revegetated with a native plant palette consistent with the vegetation community and its surrounding context to the satisfaction of the wildlife agencies. Temporary construction fencing shall be removed upon project completion. **Mitigation Measure BIO-2: Environmental Awareness Training.** A Workers Environmental Awareness Training Program shall be prepared for review and approval by the Encinitas Development Services Department. The Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of sensitive wildlife that may occur on site, including nesting birds and coastal California gnatcatcher and their habitat, and general compliance with environmental/permit regulations and mitigation measures. At a minimum, training shall include a discussion of the following topics: (1) the purpose for resource protection; (2) descriptions of coastal California gnatcatcher their habitat; (3) the mitigation measures in the EIR that should be implemented during project construction to conserve sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced area to avoid sensitive resource areas in the field outside of the limits of work (i.e., avoided areas delineated on maps and on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the federal Endangered Species Act (ESA), the need to adhere to the provisions of ESA, and the penalties associated with violating ESA.	Less than significant

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	Mitigation Measure BIO-3: Work Hours. Project construction shall occur during daylight hours (as defined by EMC Chapter 9.32). However, if temporary night work is required, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats as directed by a qualified biologist. **Mitigation Measure BIO-4: Construction Best Management Practices.** The project applicant shall ensure that the following conditions are implemented during project construction to minimize potential impacts to sensitive vegetation and species: • Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint. • To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site. • Pets of project personnel shall not be allowed on the project site. • Disposal or temporary placement of excess fill, brush or other debris shall not be allowed outside of the fenced limits of work. • All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated staging areas with appropriate BMPs in place. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans. • Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ. **Mitigation Measure BIO-5: Biological Monitor Requirements and Duties.** A qualified biologist shall be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of preserved habitat to ensure compliance with all project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the project's engineer to ensure that issues relating to coastal California gnatcatcher and their habitat are appropriately and lawfully	

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	managed. The biological monitor should flush birds out of suitable habitat areas before they are cleared. The qualified biological monitor shall also be responsible for the following duties: • Oversee installation of and inspect temporary fencing and erosion control measures at the projects limits of work a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately. • Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust. • Halt work, if necessary, and confer with the United States Fish and Wildlife Service (USFWS) and City of Encinitas to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS and the City within 24 hours of its occurrence. • Submit weekly letter reports (including photographs of impact areas) via email to the City during clearing/grubbing of potential habitat and/or project construction resulting in ground disturbance within 500 feet of avoided potential habitat. The weekly reports shall document that authorized impacts were not exceeded and general compliance with all conditions. The reports shall also outline the duration of monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports shall specify numbers and locations of any coastal California gnatcatchers, sex, observed behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers nests. • Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program were achieved. **Mitigation Measure BIO-6: Breeding Season Avoidance.** The removal of vegetation from the project impact footprint and project grading, to the maximum extent practicable, shall occur	

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	only from September 16 through January 31 to avoid the nesting bird breeding season, in accordance with the Migratory Bird Treaty Act and California Fish and Game Code. If project construction must occur during the breeding season, Mitigation Measures BIO-7 and BIO-8 shall be implemented. **Mitigation Measure BIO-7: Nesting Bird Survey Pre-construction Survey.** To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (February 1 to September 15). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a qualified biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within three calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant shall contact the City and wildlife agencies (California Department of Fish and Wildlife [CDFW] and/or USFWS, as appropriate) to determine the appropriate buffer. **Mitigation Measure BIO-8: Crotch's Bumble Bee Pre-construction Survey.** A pre-construction survey for Crotch's bumble bee shall be conducted by a qualified biologist within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). If ground-disturbing activities occur outside the period, no further mitigation would be required. The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The pre-construction survey shall include (1) a habitat assessment and (2)	

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by CDFW on June 6, 2023, or the most current version at the time of construction. The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. The habitat assessment shall be repeated prior to February 1 in each year ground-disturbing activities occur to determine if nesting resources are present within the impact area. If nesting resources are present in the impact area, focused surveys shall be conducted. The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and include at least three survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are those conducted when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100 percent visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified by species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100 percent visual coverage; this could include a 30-	

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes). Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly. If Crotch's bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to ten kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources. A written survey report shall be submitted to the City and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the	

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database (CNDDB) at the time of, or prior to, submittal of the survey report. If the above measures are followed, the project shall not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If the nest resources cannot be avoided, as outlined in this measure, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this mitigation measure and shall be incorporated into the habitat mitigation and monitoring plan. In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development. **Mitigation Measure BIO-9: California Gnatcatcher Nest Avoidance and Minimization Measures.** If construction activity occurs during the coastal California gnatcatcher breeding season (typically February 1 through September 15), prior to construction initiation, a biologist shall perform a minimum of three focused surveys, on separate days, to determine the	

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	presence of California gnatcatcher nest building activities, egg incubation activities, or brood rearing activities in or within 500 feet of these areas. The surveys shall begin a maximum of seven days prior to project construction and one survey shall be conducted the day immediately prior to the initiation of work. Additional surveys shall be done once a week during project construction in the breeding season. These additional surveys may be suspended as approved by the USFWS. The Permittee shall notify the USFWS at least 7 days prior to the initiation of surveys and within 24 hours of locating any nesting California gnatcatchers. The wildlife agencies (USFWS) and the City's Development Services Department shall be notified if any breeding behavior or active nests are detected. If an active coastal California gnatcatcher nest is found on site or within 500 feet of project grading activities, the biologist shall postpone work within 500 feet of the nest and contact the USFWS and the City to discuss (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the project applicant shall stop work and coordinate with USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.	
The project would result in potentially significant indirect impacts to special-status plant and wildlife species.	**Mitigation Measures BIO-1 through BIO-5** would be implemented for indirect impacts to special status plants. **Mitigation Measure BIO-7**, which dictates that no vegetation removal or grading activities shall occur during the nesting bird breeding season (i.e., February 1 through September 15), would be implemented to reduce indirect impacts to nesting birds including Cooper's hawk and coastal California gnatcatcher.	Less than significant

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
Project implementation would result in a potentially significant impact to birds utilizing the on-site and adjacent vegetation for refuge, cover, and foraging.	**Mitigation Measure BIO-7**, which dictates that no vegetation removal or grading activities shall occur during the nesting bird breeding season, would avoid direct and indirect impacts to nesting birds caused by construction activities potentially impacting the movement of birds. If initial grading and vegetation removal activities must occur with the general bird breeding season for migratory birds and raptors (February 1 and September 15), **Mitigation Measures BIO-8 and BIO-9** would be implemented to confirm the absence of active nests belonging to migratory birds and raptors, which are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code.	Less than significant
Cultural Resources		
The project would result in the potential to encounter unknown buried archaeological resources through the disturbance of previously undisturbed native sediments. If unknown buried resources are discovered during project construction, impacts to these resources would be potentially significant.	**Mitigation Measure CR-1: Construction Monitoring.** Prior to the issuance of grading permits, a qualified archaeologist and Kumeyaay Native American monitor shall be retained to monitor ground-disturbing activities. The qualified archaeologist and Kumeyaay Native American monitor shall be present during initial ground disturbing activities. Should resources be identified, or if undisturbed sedimentary deposits which have the potential to contain archaeological resources are identified, monitoring may need to be increased, as determined by the archaeologist, the City, and in consultation with the Tribe that is monitoring. If disturbed sediments (e.g., fill) or other sediment formations are identified that do not have the potential to contain archaeological resources, then monitoring may be reduced or terminated.	Less than significant

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
If unknown human remains are discovered during project construction, the disturbance of human remains, including those interred outside of formal cemeteries, would result in a significant impact.	**Mitigation Measure CR-2: Discovery of Human Remains.** In the event human remains are encountered during project construction, State Health and Safety Code Section 7050.5 and State CEQA Guidelines Section 15064.5(e)(1) state that no further disturbance shall occur to the area of the find until the County Coroner has made a determination of origin and disposition of the human bone pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately and shall make their determination within two working days of being notified. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) by phone within 24 hours, and the NAHC shall then immediately determine and notify a Most Likely Descendant. With the permission of the landowner or his/her authorized representative, the Most Likely Descendant may inspect the site of the discovery. The Most Likely Descendant shall complete the inspection and make recommendations or preferences for treatment of the remains within 48 hours of being granted access to the site. The Most Likely Descendant's recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.	Less than significant
Since the project would require excavation of more than 2,000 CY of a geologic formation with moderate resource potential, project impacts to paleontological resources would be potentially significant.	**Mitigation Measure CR-3: Paleontological Monitoring.** A qualified paleontological monitor shall be present during grading activities on the project site for excavation of a geologic formation with moderate resource potential to contain paleontological resources. The monitor shall have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan shall be implemented to mitigate the discovery. Excavation shall include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.	Less than significant
Land Use and Planning		
No significant land use and planning impacts were identified.	No mitigation measures are required.	N/A

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
Noise and Vibration		
The project would result in potentially significant noise impacts during construction activities.	**Mitigation Measure NOI-1: Construction Noise Control.** The project applicant or its contractor shall prepare a construction noise control plan for review and approval by the City of Encinitas Development Services Department. The plan shall include the following measures for onsite noise control and sound abatement that, in aggregate, would yield a minimum of approximately 13 dBA of construction noise reduction during the construction phase of the project: • Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property), including, but not limited to: – Prohibiting unnecessary idling of internal combustion engines. – Locating stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. – Notifying of all adjacent residences of the construction schedule, in writing, and providing a written schedule of "noisy" construction activities to the adjacent and nearby residences at least 24 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification should include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the project site. The notification should include the telephone number and/or contact information for the on-site noise control coordinator that neighbors can use for inquiries and/or to submit complaints associated with construction noise. – Designation of a noise control coordinator who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.	Less than significant

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
	• Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]), including but not limited to: – Equipping of all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. – Electrical power shall be used to run air compressors and similar power tools, where feasible. – Internal combustion engines shall be equipped with a muffler of a type recommended by the manufacturer and in good repair. – Utilization of "quiet" air compressors and other stationary noise sources where technology exists. • Installation of a temporary, 8-foot-high noise abatement fence on the site boundary (or within, as practical and appropriate) in the form of flexible sound blankets or comparable solid barriers (e.g., rigid plywood sheeting) to occlude construction noise emissions between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern. Such temporary barriers shall demonstrate a sound transmission class (STC) rating of at least 20 and shall be installed in a manner that eliminates air gaps between adjoining element edges and the ground surface.	
Transportation		
No significant transportation impacts were identified.	No mitigation measures are required.	N/A

TABLE 2-1
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

Impact	Mitigation Measures	Analysis of Significance after Mitigation
Tribal Cultural Resources		
The project would result in the potential to encounter unknown buried tribal cultural resources through the disturbance of previously undisturbed sediments. If unknown buried tribal cultural resources are discovered during project construction, impacts to these resources would be potentially significant.	**Mitigation Measures CR-1 and CR-2** would be implemented by the project to minimize impacts associated with the discovery of unknown tribal cultural resources.	Less than significant

ABBREVIATION: N/A = not applicable

3. PROJECT DESCRIPTION

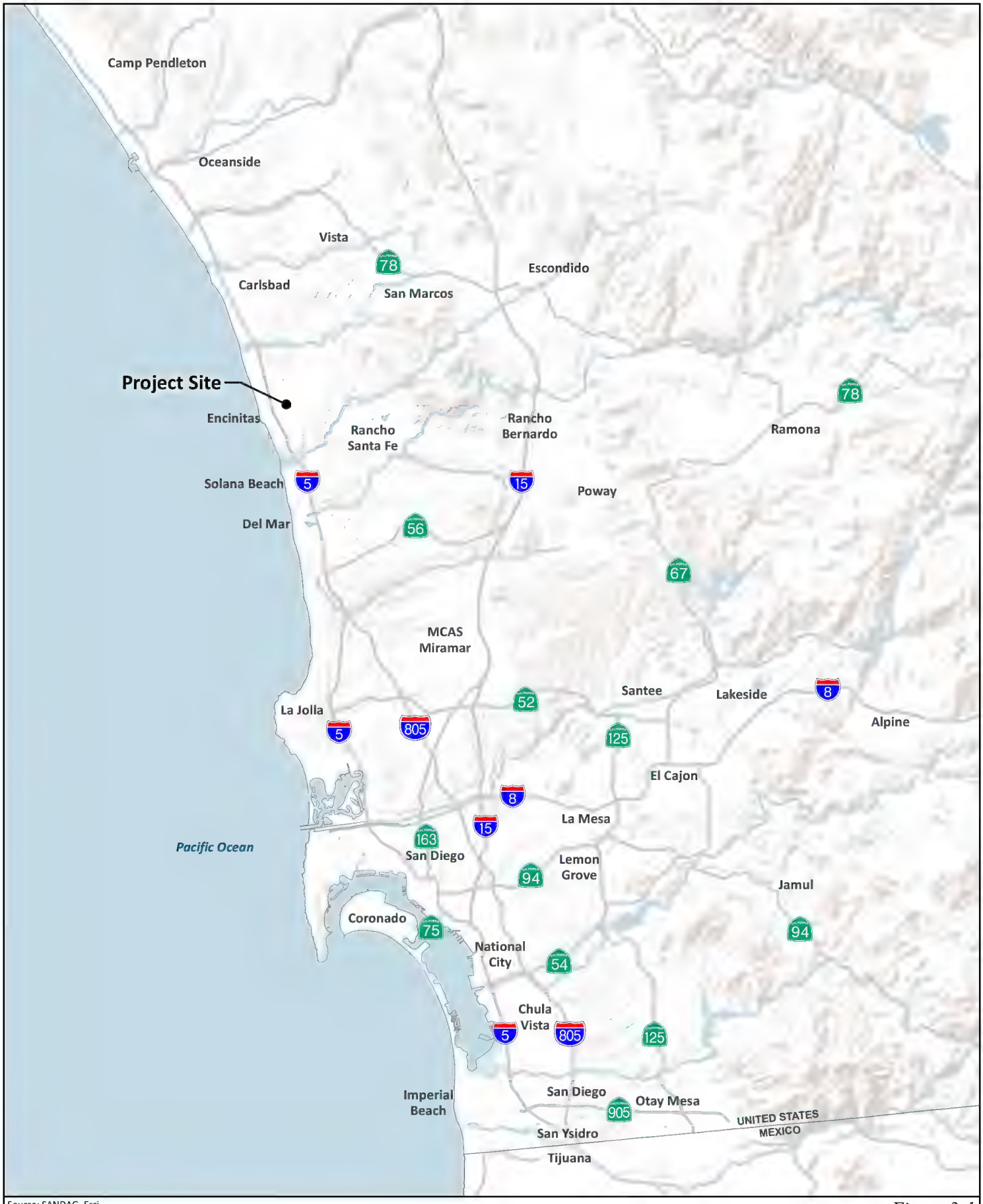
3.1 Project Location and Setting

The 7.2-acre project site is located at 501 Ocean Bluff Way, Encinitas, California on four parcels (Assessor Parcel Numbers 258-141-23, 258-141-24, 258-141-25, and 258-141-26). The City of Encinitas (City) is surrounded by the cities of Carlsbad to the north and Solana Beach to the south, County of San Diego to the east and the Pacific Ocean to the west (**Figure 3-1**, *Regional Location*). The property is located in central Encinitas south of Encinitas Boulevard approximately 0.6 miles east of Interstate 5 (I-5) and 0.5 miles west of El Camino Real (**Figure 3-2**, *Project Location*). Locally, the project site is situated along the northern frontage of Ocean Bluff Way between Camino De Orchidia and Camino El Dorado. Ocean Bluff Way provides direct access to the project site; no site access is available from Encinitas Boulevard.

The property is currently vacant and surrounded by existing single-family residential development to the south and west, commercial areas to the east, public roadway to the north and south, with small patches of undeveloped lands to the north, east, and west (**Figure 3-3**, *Aerial Photograph*). Three wireless telecommunications antenna facilities and eight trees are present on the project site. The site is designated by the General Plan for rural residential and residential use, with the northern parcel zoned Rural Residential 2 (RR-2), which allows for up to 2 dwelling units (DUs) per net acre, and the southern three parcels zoned Residential 3 (R-3), which allows for up to three DUs per net acre (see Figure 4.6-2 for the zoning configuration on the project site). The site is situated in the Coastal Zone and outside of the Coastal Appeal Zone.

Topography on the project site ranges from about 199 feet above mean sea level (AMSL) near the northern boundary to 304 feet AMSL in the southern portion of the site. The project site was previously graded in accordance with City Grading Permit #R.S. 458-6. A commercial plant nursery used to be located within the graded portion of the project site and was demolished in 2007. The former nursery driveway and several small, paved pads remain from that previous use. Native and non-native vegetation communities occur along the project site's northern and western borders, focused mostly along the sloped lands. Approximately 4.6 acres of the 7.2-acre project site is comprised of non-native disturbed habitat. The northern and eastern portions of the project site are characterized by 30- to 50-foot-tall slopes, of which approximately 0.9 acres are naturally occurring steep slopes greater than 25 percent gradient. Approximately 1.5 acres of manufactured steep slopes greater than 25 percent also occur on site. The on-site manufactured slope contains various drainage improvements including concrete brow ditches, a "L" shaped headwall and a reinforced concrete storm drainpipe that connects to a catch basin that ties into the public storm drain system. The project site drains north-northwest into one main watershed along Encinitas Boulevard and is located within the Batiquitos Lagoon Hydrologic Sub-Area of the San Marcos Creek Hydrologic Area within the Carlsbad Watershed. Ultimately, runoff from the site drains west into the Pacific Ocean at Moonlight Beach.

The closest sensitive receptors to the project site are single-family residences immediately adjacent on the western and southern boundaries of the site. Nearby schools include The Rhoades Middle School, approximately 500 feet east of the project site, St. John School, approximately 1,100 feet southeast of the project site, Sunset High School, approximately 1,200 feet southwest of the project site, and the Phoenix Learning Center approximately 1,600 feet southwest of the project site.



Source: SANDAG, Esri

Figure 3-1

Regional Location

OCEAN BLUFF RESIDENTIAL EIR

BARANEK Consulting Group

N

0 6 Miles

Aerial Photo: USDA NAIP 2022

BARANEK Consulting Group

N

0 2,000 Feet

Figure 3-2

Project Location

OCEAN BLUFF RESIDENTIAL EIR

Aerial Photo: Nearmap 2024

Figure 3-3

Aerial Photograph

OCEAN BLUFF RESIDENTIAL EIR

BARANEK Consulting Group

N

0 200 Feet

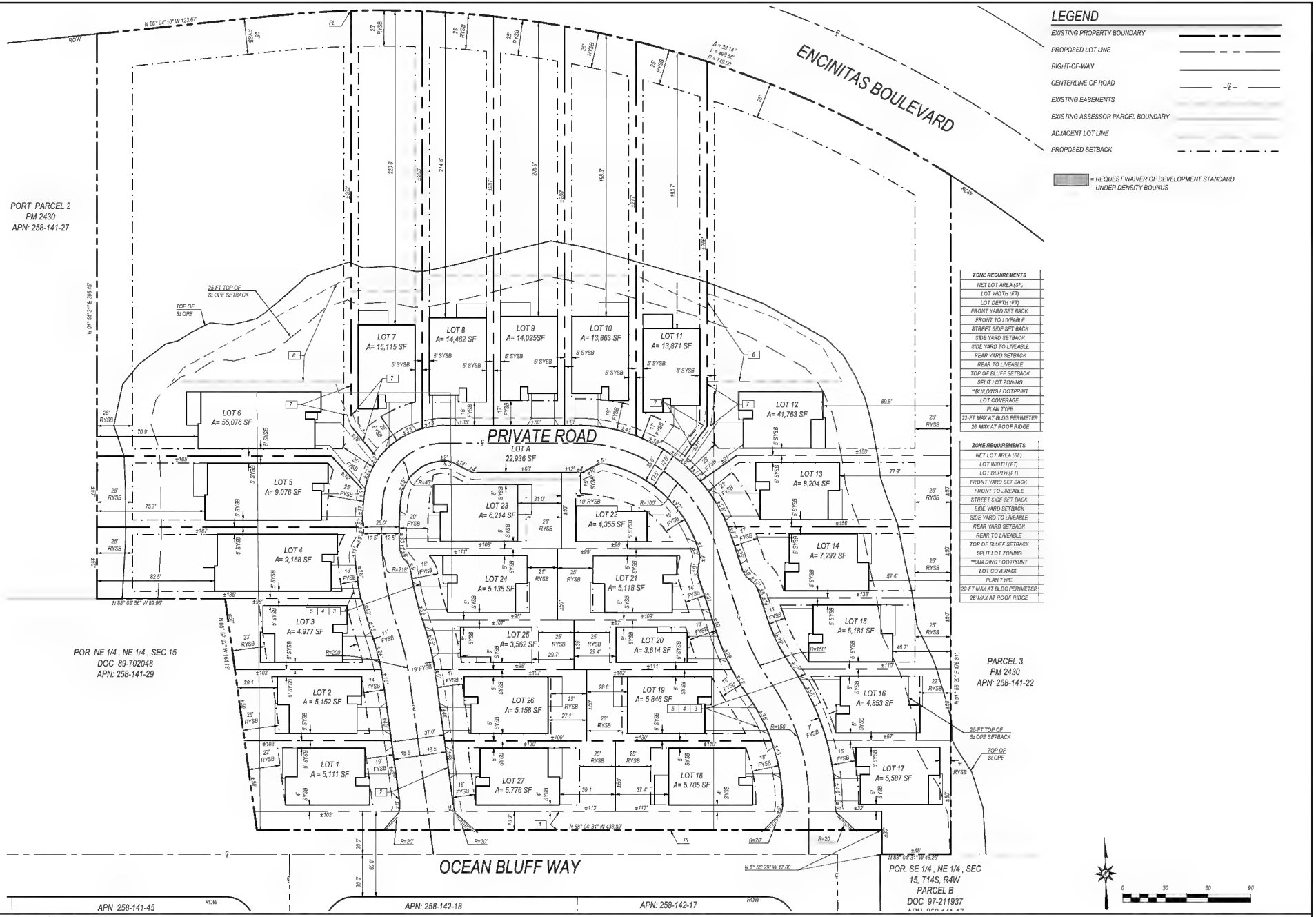
3.2 Project Objectives

California Environmental Quality Act (CEQA) Guidelines Section 15124(b) requires the project description to contain a statement of objectives that includes the underlying purpose of the proposed project. To achieve the need and purpose of the proposed project, the following project objectives are identified.

1. Assist the City in expanding its regional housing stock of single-family dwelling units in accordance with the goals established in the General Plan Housing Element.
2. Provide new affordable homeownership opportunities for very low-income households that will assist the City in meeting its state-mandated affordable housing requirements.
3. Develop a previously developed, vacant, infill property with residential housing that complies with the Encinitas General Plan, applicable zoning and State Density Bonus Law.
4. Locate new development in a portion of the City where there is existing capacity to accommodate the required infrastructure and public services needs of the project.
5. Place residential dwelling units within a short walking or driving distance of local schools.
6. Use a comprehensive style of architecture and design elements that ensures high-quality site aesthetics and provides variety in both building layouts and types.
7. Limit encroachment into environmentally sensitive habitat and steep slopes by integrating retaining walls, using sensitive grading techniques and taking access from Ocean Bluff Way.
8. Protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement.
9. Create an economically viable project featuring three "very low income" affordable housing units that can be implemented within the current and projected economic conditions.

3.3 Project Characteristics

The project consists of the subdivision of an approximately 7.2-gross-acre property composed of four legal lots into 27 residential housing lots to accommodate the grading and construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable housing units), as well as the construction of a private drive, landscaping, and associated utility, drainage, and stormwater improvements. Development would occur on approximately 4.6 acres of the 7.2 project site. Access to the site would be via a new private looped drive extended from two locations along Ocean Bluff Way between Camino De Orchidia and Camino El Dorado. The project includes construction of frontage improvements to create a parkway along Ocean Bluff Way, including curb, gutter, sidewalk, pedestrian ramps, and landscaping. The proposed frontage improvements would allow for connectivity with an existing pedestrian ramp at the east end of Ocean Bluff Way. **Figure 3-4**, *Site Plan*, provides an illustration of the site layout proposed by the Applicant.



Source: PLSA Engineering 2024

Figure 3-4

Site Plan

OCEAN BLUFF RESIDENTIAL EIR

BARANEK
Consulting Group

3.3.1 Tentative Map

The proposed Tentative Map would subdivide the project site into 27 single-family residential lots with a private street lot (Lot A) (PLSA Engineering 2024). The project would widen the existing 26-foot-wide Ocean Bluff Way by 3.5 additional feet for a total paved width of 30 feet along the project site's approximately 440-foot frontage. Within the new 15-foot-wide parkway proposed on the north side of Ocean Bluff Way, the project would install new curb and gutter, sidewalk, pedestrian curb ramps and landscaping with street trees along the widened road to allow for pedestrian movement. The two new driveway entrances onto Ocean Bluff Way would be stop-controlled. Striping improvements would be implemented within the road. Entry signage and advanced curve warning signs would also be installed near the southeastern driveway location. Several easements and dedications would be required to implement the project, including a public street right-of-way dedication along the project's frontage with Ocean Bluff Way, a public easement over the private street (for road and utility purposes), water and sewer easements, general utility easements, a private open space easement, and storm water easements. All project improvements would be required to comply with the EMC, California Building Code (CBC) and Americans with Disabilities Act (ADA). Given the existing steep slopes along Encinitas Boulevard, the project has been designed to avoid any development activity within the steep slopes and sensitive habitats while efficiently clustering the lots and dwellings on approximately 4.6 acres of the 7.2-acre site.

3.3.1.1 Density Bonus Law

State Density Bonus Law (California Government Code Section 65915 et seq.), gives housing developers the right to increase density beyond applicable local limits in exchange for providing homes at below market rents or purchase costs. The density bonus is the number of additional units allowed to be built beyond the "base density," which is the number of units that could normally be built under standard local requirements without density bonus. If the "base density" project (i.e., the project as considered by zoning before the additional density) provides at least 15 percent of the homes for very-low-income households, the development is authorized to receive three (3) development incentives and there is no limit to the number of development waivers that may be requested. Additionally, housing developments that set aside at least 15 percent of the base project's dwelling units for very low-income households are entitled to receive a density bonus of 50 percent over the maximum allowable gross residential density. In addition to State Density Bonus Law, EMC Chapter 30.41 (Affordable Housing) also applies to all new residential developments with seven or more units. According to EMC Section 30.41.050.A.1 (Affordable Housing Requirements) ownership residential developments are required to provide 15 percent of the dwelling units for "very low" income households.

With the State Density Bonus Law and local inclusionary housing requirements in place, the project would be allowed to construct 18 dwelling units, based on the gross acreage, and nine additional housing units for a total of 27 residential dwelling units, in accordance with Government Code Section 65915 and EMC Section 30.16.020(C). Subdivision of four legal lots into 27 residential housing lots would allow for the construction of 24 market-rate single-family residential dwelling units and three affordable housing units. Of the three "very low" income units are proposed on-site, equating to 17 percent of the unit count, one unit would be designated for a very low-income household for a period of 5 years (Lot 25), and two units would be subject to a deed restriction requiring affordability in perpetuity (Lots 20 and 22). The remaining 24 residential units would be market-rate housing. By

providing two "very low income" (i.e., 50 percent Average Median Income [AMI]) qualifying units, the project would comply with the affordable (inclusionary) housing requirements of EMC Chapter 30.41.

3.3.1.2 Development Waivers and Incentives

Beyond a residential density bonus, the State Density Bonus Law offers developers concessions, also referred to as waivers and incentives, from local development regulations. The waivers or incentives typically involve a reduction in site development standards or architectural design requirements. Waivers can be applied to private streets, minimum net lot area, minimum lot with, minimum lot depth, front yard setback, side yard setback, rear yard setback, lot coverage, building height and split zoning. The project's waiver requests are proposed in order to physically accommodate the project's increased density as designed and as permitted by State Density Bonus Law.

The project Applicant is not requesting any State Density Bonus Law incentives; however, waivers to certain development standards contained in EMC Sections 30.08.030 and 30.16.010010 are proposed, as permitted under the State Density Bonus Law, and are listed in **Table 3-1**, *Proposed Development Waivers*. The requested development waivers are incorporated into the project design described herein and shown in the civil engineering plan set (**Appendix O,** *Civil and Tentative Map*). Without the waivers, compliance with the RR-2 and R-3 development standards would physically preclude the construction of the project at the proposed density permitted by Government Code Section 65915.

TABLE 3-1
PROPOSED DEVELOPMENT WAIVERS

Zoning Standards (EMC sections 30.08.030 and 30.16.010)	Required RR-2	Required R-3	Proposed Standard
Net Lot Area	14,500 sf	21,500 sf	Lot sizes varying from 14,863 sf for Lot 6 to 3,562 sf for Lot 25.
Lot Width	100 feet	80 feet	Decreased allowable lot width for Lots 1–5, 7–11, and 13–27 (as shown in the Proposed Lot Layout Plan in Appendix O) and lot widths varying from 60 feet for Lot 23 to 35 feet for Lots 20 and 25.
Lot Depth	150 feet	100 feet	Lot depth varying from 125 feet for Lot 6 to 69 feet for Lot 22.
Front Yard Setback	30 feet	25 feet	Front yard setbacks varying from 22 feet for Lot 5 to 10 feet for Lot 15.
Street Side Setback	15 feet	10 feet	Street side setback of 4 feet for Lot 1, 5 feet for Lot 17, 4 feet for Lot 18, and 4 feet for Lot 27.
Side Yard Setback	10 feet	10 feet	Side yard setback for all lots of 5 feet.
Rear Yard Setback	25 feet	25 feet	Rear yard setbacks ranging from 23 feet for Lot 3 to 4 feet for Lot 22.
Lot Coverage	35 percent	35 percent	Lot coverage percentages varying from 44 percent for Lot 18 to 36 percent for Lot 9

Zoning Standards (EMC sections 30.08.030 and 30.16.010)	Required RR-2	Required R-3	Proposed Standard
Maximum at Building Height at Building Perimeter	22 feet	22 feet	Maximum height of 30 feet on lots 1–3, 6–11, 15, 17–19, 21, 26, and 27.
Maximum Building Height at Roof Ridge	26 feet	26 feet	Maximum height of 30 feet on lots 1–3, 6–11, 15, 17–19, 21, 26, and 27
Properties with multiple zoning designations (EMC § 30.08.030)	—	—	Waiver of the split zoning regulations.
Intersection centerline spacing of 200 feet pursuant to EMC Section 6.1(c) public road standards	—	—	Intersection spacing of less than 200 feet between eastern driveway and Camino El Dorado along Ocean Bluff Way.
Internal street radius (knuckle) requirement pursuant to County Public Works Standard Drawing DS-15	—	—	Deviation from the San Diego County Design Standard for a street knuckle on the private loop road.
Affordable Housing Standards (EMC § 30.41.060.A.5.c.)	—	—	Request to allow two of the affordable housing units to share a rear lot line as the units would be accessed via opposite sides of the main loop road and share side yards with market rate units.

SOURCES: PLSA Engineering 2024; Allen Matkins Leck Gamble Mallory & Natsis LLP 2024

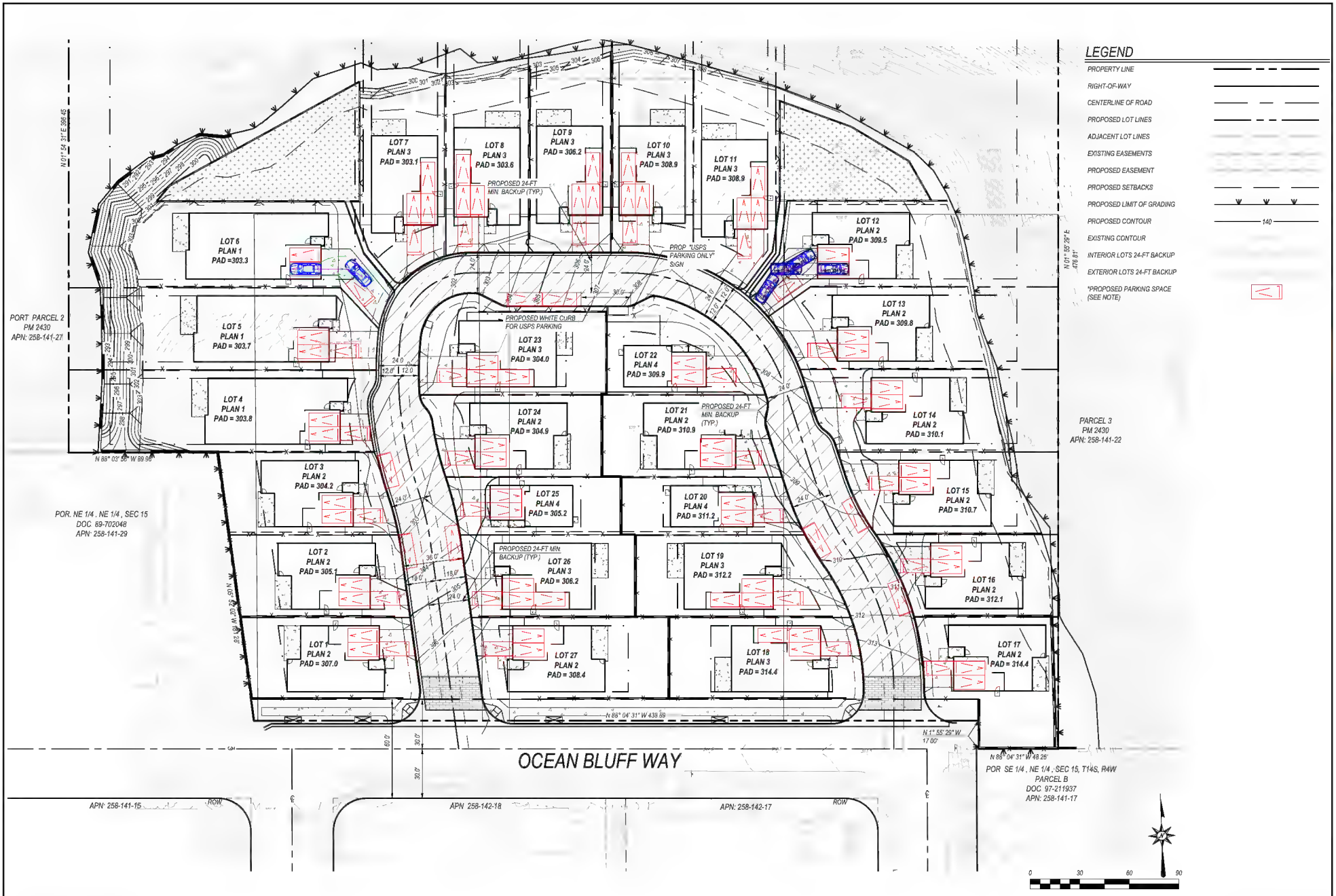
NOTES:

Building heights shown on the plans are based on the highest portion of the structure measured from the elevation of the natural grade or finished grade pad, whichever is lowest (EMC Section 30.16.010.B.6).

The project is not proposing to utilize density bonus reduced parking ratios.

3.3.2 Parking

Eighty-seven (87) off-street parking spaces would be provided within enclosed garages and in driveways and eight (8) additional on-street parking spaces would be provided along the private road. Total off-street spaces would exceed the City's minimum requirements of 78 spaces for non-density bonus projects of a similar size under the requirements of the EMC and the maximum amount of parking that can be imposed under the State Density Bonus Law, Government Code Section 65915(p). Taking into account street parking, the total on-site parking supply would be 95 spaces; no off-site parking is proposed. **Figure 3-5**, *Parking Layout*, provides an illustration of the proposed parking configuration on the project site



Source: PLSA Engineering 2024

Figure 3-5

Parking Layout

OCEAN BLUFF RESIDENTIAL EIR

BARANEK
Consulting Group

3.3.3 Architectural Design

The project includes three different architectural styles (Coastal Traditional, Coastal Rustic, and Coastal Modern), four different floor plans, and natural/neutral color palette and material schemes distributed throughout the site (**Figure 3-6**, *Architectural Site Plan*). Building materials would include stucco, cementitious lap or board/batten siding combined with wood, stone veneer or brick accents and metal garage doors (**Figure 3-7**, *Architectural Styles*). Composition shingle roofing would be used on all three architectural styles. Of the 27 homes, 24 would be two-story structures and three would be one-story. The residences would range in size from 1,857 square feet (SF) to 3,625 sf and the lots would range in size from 5,571 sf to 37,224 sf (as shown in Figure 3-4). All mechanical equipment associated with the units would be located on the ground floor and screened. The project proposes to use all-electric appliances, including the installation of electric fireplaces (i.e., no wood burning or natural gas). All proposed residential structures would be required to comply with the 2022 California Building Standards Code (CALGreen) and would install solar photovoltaic equipment sized according to CA Title 24, Part 6, Energy Code Section 150.10(a). The proposed residences would also be installed with electric vehicle (EV) ready infrastructure.

3.3.4 Landscape Plan

A conceptual landscape plan has been prepared for the project and is shown in **Figures 3-8a and 3-8b**, *Conceptual Landscape Plan*. The existing eight trees on the property, including a date palm, queen palms and a pine tree, would be removed by the project. A variety of trees, shrubs, and groundcovers, as listed in **Table 3-2**, *Landscape Plan Plant Palette*, would be installed throughout the project site. The Conceptual Landscape Plan includes the installation of a total of 21 trees. Additional plantings would be comprised of shrubs and groundcovers (refer to Figures 3-8a and 3-8b for details on proposed planting locations). All common areas and front yards would be planted with a minimum of 50 percent native species.

3.3.5 Walls and Fencing

To prevent encroachments into steep slopes and native habitats, several 2.5- to 6-foot-high masonry retaining walls would be erected along the western, northern and eastern edges of development (refer to Figure 36). The retaining walls would be designed to stabilize the development edges, in accordance with recommendations in the geotechnical investigation (**Appendix G**). The steep slopes along Encinitas Boulevard would not be developed as part of the project. All undisturbed on-site slopes over 25 percent grade would be conserved as a condition of the approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such slopes (EMC Section 30.34.030).

An up to 6-foot-high privacy view fence, comprised of glass with masonry or metal bases, would be constructed around the outer perimeter of the lots on the east, west, and north sides of the building pads as shown in Figure 3-6. Between the proposed lots and along the southwest property line where the proposed lots would interface with existing residential properties, retaining walls and/or vinyl privacy fencing up to 6 feet in height would be installed. Stucco pilasters would be placed at key corners along the fence line.

TABLE 3-2
LANDSCAPE PLAN PLANT PALETTE

Botanic Name	Common Name	Quantity
Tree Species		
Lophostemon confertus	Brisbane box	9
Pinus canariensis	Canary Island pine	9
Quercus agrifolia	Coast live oak	3
Shrub Species		
Achillea millefolium	Common yarrow	38
Agave shawii	Coastal agave	3
Bougainvillea x 'Oh-My-My'	Oh My My Bougainvillea	45
Boutloua gracilis 'Blond Ambition'	Blond Ambition Blu Grama	70
Carissa macrocarpa	Natal plum	19
Ceanothus x 'Concha'	Concha wild lilac	27
Cistus laurifolius	Rockrose	15
Encelia Californica	California encelia	6
Heteromeles arbutifolia 'Davis Gold'	Davis gold toyon	3
Phormium tenax 'Rubrum'	New Zealand flax	9
Rhaphiolepis umbellate 'minor'	Yedda hawthorn	24
Salvia greggii	Autum sage	17
Salvia leucantha	Mexican bush sage	11
Westringia fruticosa	Coast rosemary	25
Ground Cover Species		
Baccharis pilularis	Dwarf coyote bush	flats
Juncus patens	California gray rush	flats

SOURCE: gmp landscape architecture & planning 2024

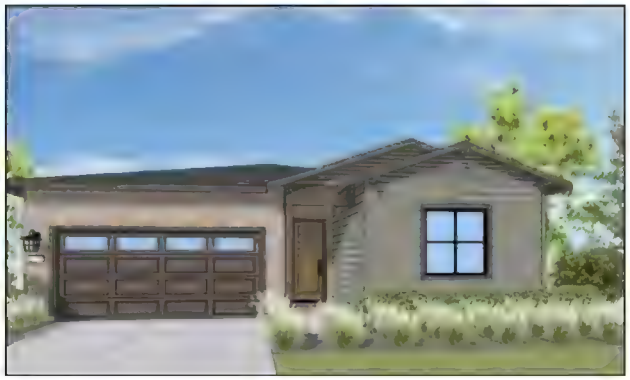
Source: Kevin L. Crook Architect 2024

Figure 3-6

Architectural Site Plan

OCEAN BLUFF RESIDENTIAL EIR

BARANEK
Consulting Group



A - COASTAL TRADITIONAL

- MATERIALS INCLUDE STUCCO AND CEMENTITIOUS LAP SIDING
- 18" EAVES AND 12" RAKES
- TRADITIONAL WINDOW GRID MULLIONS
- 8"X8" WOOD PORCH COLUMNS
- SHUTTER ACCENTS AT SELECT WINDOW LOCATIONS
- NATURAL COLOR PALETTE
- COMPOSITION SHINGLE ROOFING

B - COASTAL RUSTIC

- MATERIALS INCLUDE STUCCO AND CEMENTITIOUS BOARD AND BATTEN SIDING
- 12" EAVES AND 6" RAKES
- TRADITIONAL HORIZONTAL WINDOW MULLIONS
- STONE VENEER
- NEUTRAL COLOR PALETTE
- COMPOSITION SHINGLE ROOFING

C - COASTAL MODERN

- MATERIALS INCLUDE STUCCO AND CEMENTITIOUS LAP SIDING WITH 4" EXPOSURE
- TIGHT EAVES AND RAKES
- WINDOWS WITHOUT MULLIONS
- BRICK VENEER
- WARM COLOR PALETTE
- COMPOSITION SHINGLE ROOFING

Source: Kevin L. Crook Architect 2024

Figure 3-7

Architectural Styles

OCEAN BLUFF RESIDENTIAL EIR

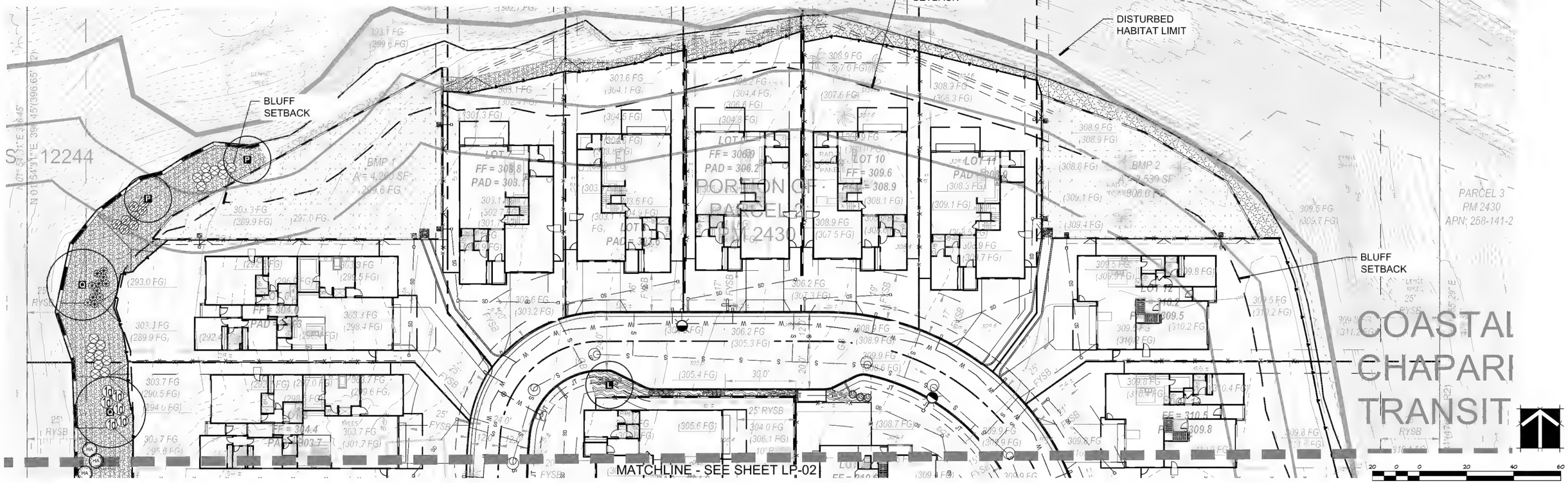
BARANEK
Consulting Group

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	DETAIL	REMARKS
L	9	LOPHOSTEMON CONFERTUS	BRISBANE BOX	24"BOX	M		
P	9	PINUS CANARIENSIS	CANARY ISLAND PINE	24" BOX	L		
Q	3	QUERCUS AGRIFOLIA *CA NATIVE*	COAST LIVE OAK	24"BOX	VL		
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WUCOLS**	**DETAIL**	**REMARKS**
	38	ACHILLEA MILLEFOLIUM *CA NATIVE*	COMMON YARROW	5 GAL	L		
	3	AGAVE SHAWII	COASTAL AGAVE	5 GAL	L		
	45	BOUGAINVILLEA X 'OH-MY-MY'	OH MY MY BOUGAINVILLEA	5 GAL	L		
	70	BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLONDE AMBITION BLUE GRAMA	5 GAL	L *CA NATIVE*		
CM	19	CARISSA MACROCARPA	NATAL PLUM	5 GAL	L		
	27	CEANOTHUS X 'CONCHA' *CA NATIVE*	CONCHA WILD LILAC	5 GAL	L		
	15	CISTUS LAURIFOLIUS	ROCKROSE	5 GAL	L		
10	6	ENCELIA CALIFORNICA *CA NATIVE*	CALIFORNIA ENCELIA	1 GAL	L		
HA	3	HETEROMELES ARBUTIFOLIA 'DAVIS GOLD'	DAVIS GOLD TOYON	5 GAL	VL *CA NATIVE*		
	9	PHORMIUM TENAX 'RUBRUM'	NEW ZEALAND FLAX	5 GAL	L		
	24	RHAPHIOLEPIS UMBELLATA 'MINOR'	YEDDA HAWTHORN	5 GAL	L		
	17	SALVIA GREGGII *CA NATIVE*	AUTUMN SAGE	5 GAL	L		
	11	SALVIA LEUCANTHA *CA NATIVE*	MEXICAN BUSH SAGE	5 GAL	L		
W	25	WESTRINGIA FRUTICOSA	COAST ROSEMARY	5 GAL	L		
GROUND COVERS	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WUCOLS**	**SPACING**	**DETAIL**	**REMARKS**
	BACCHARIS PILULARIS	DWARF COYOTE BRUSH *CA NATIVE*	FLAT	L	12" o.c.		
	JUNCUS PATENS	CALIFORNIA GRAY RUSH *CA NATIVE*	FLAT	L	24" o.c.		
	SENECIO SERPENS	BLUE CHALKSTICKS	FLAT	L	24" O.C.		

*ALL PLANTING AT HOA AND FRONT YARD AREAS TO BE A MINIMUM OF 50% NATIVE PLANTS ACCORDING TO SECTION DS7.3.3 OF THE CITY OF ENCINITAS DESIGN STANDARDS AND GUIDELINES.**

NOTES:
- ALL ABOVE GROUND UTILITY CONNECTIONS TO BE SCREENED BY LARGE SHRUBS PER ALLOWANCES OF SPECIFIC UTILITY AGENCIES.
- ALL PROPOSED TREES SHALL BE LOCATED A MINIMUM OF 5-FEET (FROM OUTSIDE EDGE OF TREE BOX TO OUTSIDE EDGE OF WATER MAIN) FROM ALL EXISTING AND/OR PROPOSED SDWD INFRASTRUCTURE
-ALL MECHANICAL EQUIPMENT TO BE SCREENED IN ACCORDANCE TO THE CITY OF ENCINITAS STANDARDS



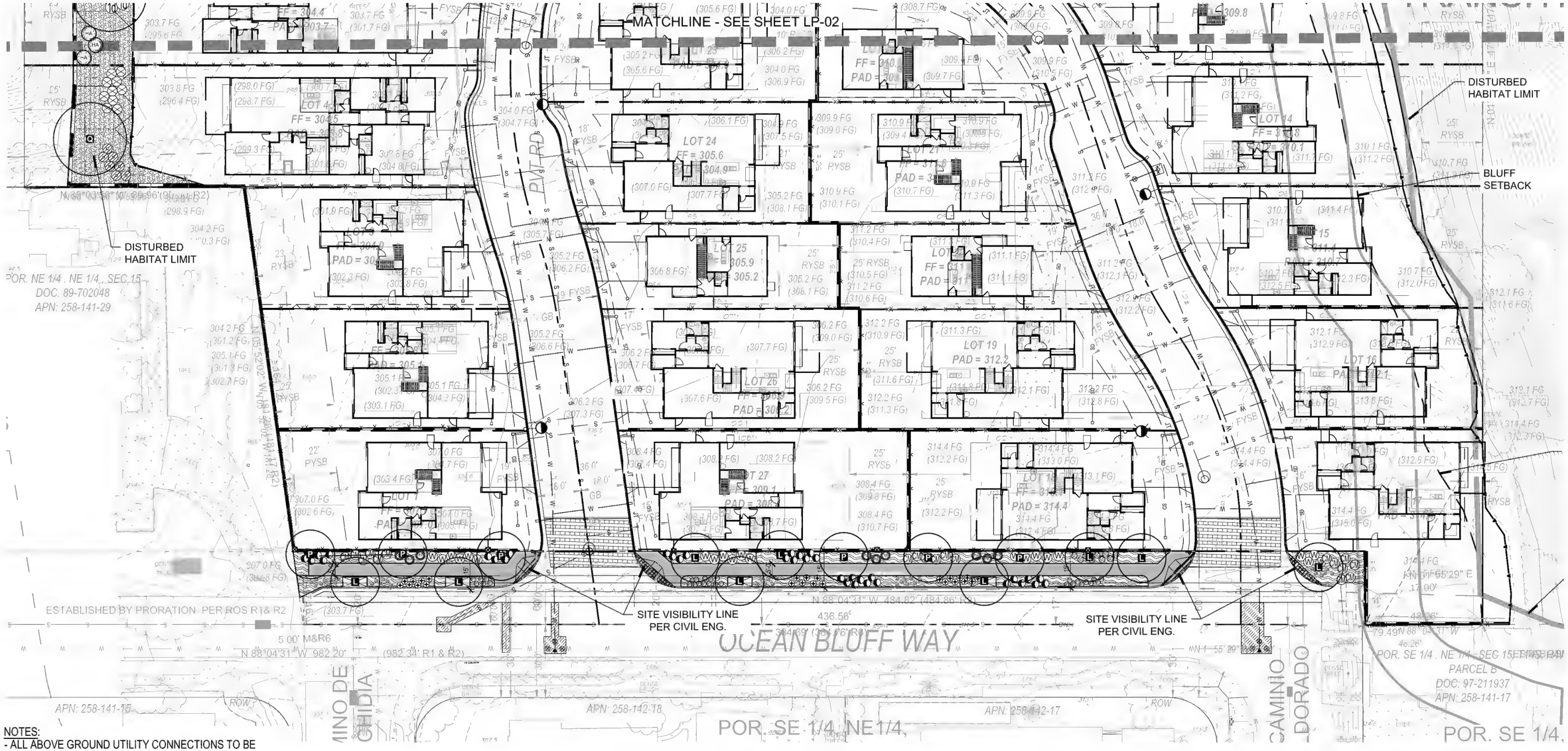
Source: GMP Landscape Architecture and Planning 2024

Figure 3-8a

Conceptual Landscape Plan

OCEAN BLUFF RESIDENTIAL EIR

BARANEK Consulting Group



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-ALL MECHANICAL EQUIPMENT TO BE SCREENED IN ACCORDANCE TO THE CITY OF ENCINITAS STANDARDS

FOR PLANT LEGEND SEE SHEET LP-01

*ALL PLANTING AT HOA AND FRONT YARD AREAS TO BE A MINIMUM OF 50% NATIVE PLANTS ACCORDING TO SECTION DS7.3.3 OF THE CITY OF ENCINITAS DESIGN STANDARDS AND GUIDELINES.**

20 0 0 20 40 60

Source: GMP Landscape Architecture and Planning 2024

Figure 3-8b

Conceptual Landscape Plan

OCEAN BLUFF RESIDENTIAL EIR

BARANEK
Consulting Group

3.3.6 Utilities and Infrastructure Improvements

3.3.6.1 Stormwater Infrastructure

The project would implement various source control and site design best management practices (BMPs) required of all development projects in the City. The City has determined that structural BMPs would be required for pollutant and hydromodification control (Pasco Laret Suiter & Associates 2024a). In conformance with the City's stormwater design standards and the multiple separate storm sewer system (MS4) permit, all runoff generated by proposed improvements on-site and along Ocean Bluff Way would be conveyed to two biofiltration basins that would collect, retain and treat the flows prior to their infiltration/release. Runoff from proposed hardscape areas would also be directed to landscaped areas in an effort to disperse drainage to pervious services. Landscaping would remove sediment and particle-bound pollutants from storm water and would assist in decreasing peak runoff by slightly increasing the site's overall time of concentration (PLSA Engineering 2023). In total, the project includes the construction of two biofiltration basins in the northwest and northeast corners of the development area and four tree well BMPs along Ocean Bluff Way to treat flows leaving the site. The on-site retention/detention basins would be installed between Lots 6 and 7 and Lots 11 and 12, as shown in Figure 3-4 (see Appendix O for details). Runoff from proposed hardscape areas would be directed to landscaped areas in an effort to disperse drainage to pervious surfaces. Additional site design and source control measures would be implemented as applicable. With the proposed grading and BMPs implemented, the project would eliminate cross lot drainage through 500 Camino De Orchidia (APN 258-141-29) and reduce the amount of runoff draining through the unassigned vacant lot off Encinitas Boulevard (APN 258-141-27) and 911 Encinitas Boulevard (APN 258-141-22) before reaching the stormwater infrastructure along Encinitas Boulevard.

Refer to Section 6.5.6, *Hydrology and Water Quality*, for details regarding the proposed stormwater improvements.

3.3.6.2 Sewer and Water Infrastructure

Wastewater services are provided to the project site by the City and the project site is located within the Encinitas Sanitary Division service area. The project proposes construction of a public backbone sewer system within the project site, consisting of sewer laterals from the residences and an 8-inch sewer line running beneath the internal private road. The laterals would be connected to the onsite backbone 8-inch sewer line, which would connect with the existing 8-inch sewer line in Ocean Bluff Way, near the western project driveway. Water service is provided to the project site by the San Dieguito Water District (SDWD). The project would install approximately 805 linear feet of 8-inch water main, which would loop through the project site within the internal project street and connect to the existing 8-inch water main on Ocean Bluff Way. No upgrades to off-site wastewater or water service infrastructure would be required to service the project site.

3.4 Project Construction

Planned site development and dwelling unit construction would occur in phases over a period of 21 months. The project would require the demolition of the three existing wireless telecommunications antenna facilities and the driveway and concrete pads from the former nursery operations. Grading for the proposed project would require 5,225 cubic yards (cy) of cut, 11,700 cy of fill, 6,475 cy of import, and 17,750 cy of remedial grading. The maximum cut height would be 4.8 feet, while the maximum fill height would be 16.5 feet. **Figures 3-9a and 3-9b**, *Preliminary Grading Plan*, illustrates the project's proposed landforms. Construction staging and worker parking would occur within the boundaries of the project site, depending on phasing, to the extent feasible.

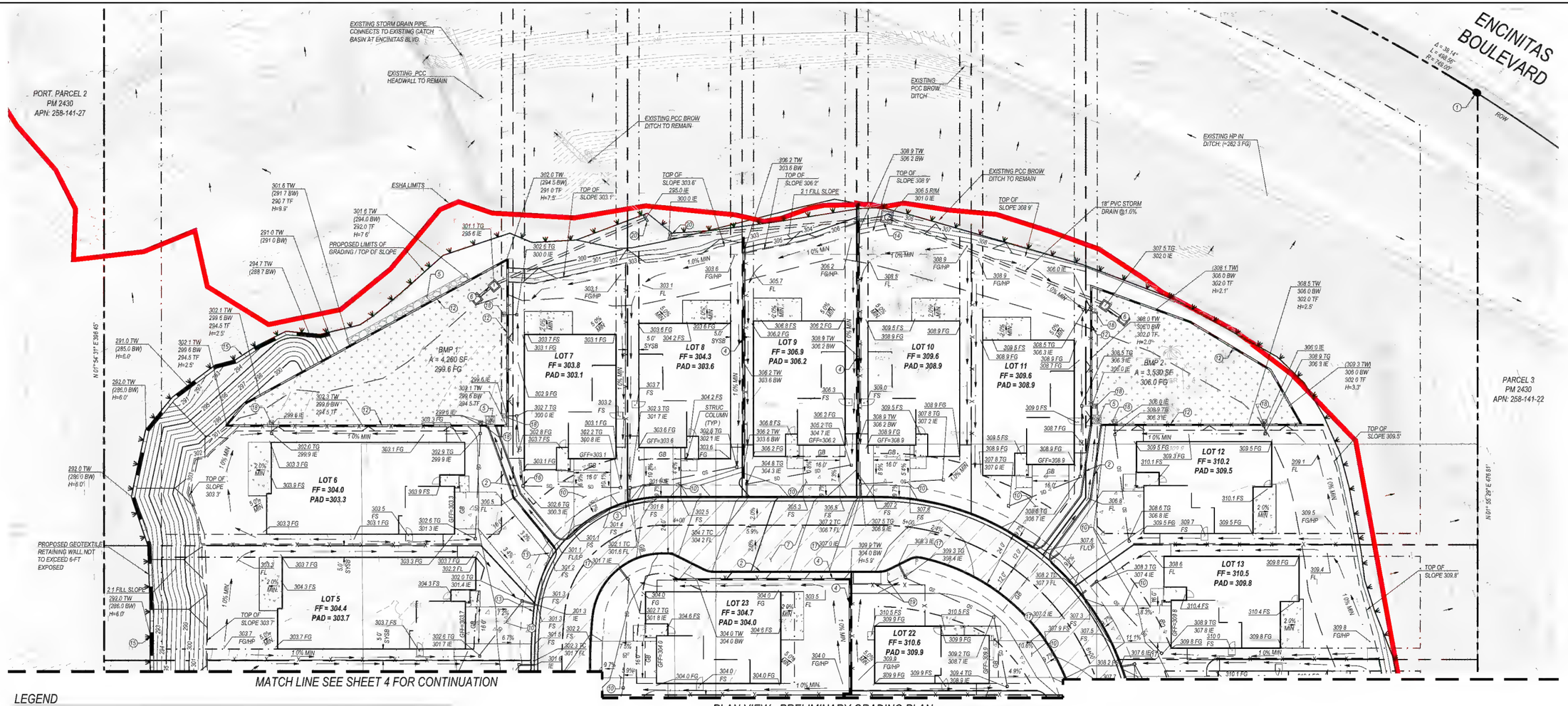
Construction would commence after the required permits listed in Section 3.5, *Intended Uses of the EIR*, are obtained from the City. The project would have single phases for demolition, site preparation, grading, and paving and four home building phases over the course of the 21-month construction period.

3.5 Intended Uses of the EIR

This EIR is an informational document intended to inform public agency decision makers and the public of significant environmental effects of a proposed project, identify ways to minimize the significant effects, and describe and evaluate a reasonable range of alternatives to a project. The City is the lead agency for the project, as it is the agency with primary authority over the project's discretionary approvals. The San Diego Regional Water Quality Control Board, identified as a responsible agency, will also use the EIR for their consideration of approvals or permits under its authority. The approvals anticipated to be required from the lead agency, and applicable responsible agency are listed in **Table 3-4**, *Required Discretionary Approvals and Permits*. For the purposes of the design review permit process, the project characteristics described herein have undergone review by City staff for compliance with provisions of the design review standards and guidelines of the City of Encinitas as well as other regulations regarding physical development in accordance with EMC Section 23.08.010.

TABLE 3-4
REQUIRED DISCRETIONARY APPROVALS AND PERMITS

Permit	Approving Agency	Agency Designation
MULTI-006443-2023	City	Lead Agency
Tentative Map (SUB-006459-2023)	City	Lead Agency
Design Review Permit (DR-006444-2023)	City	Lead Agency
Coastal Development Permit (CDP-006445-2023)	City	Lead Agency
EIR Certification (ENV-007304-2024)	City	Lead Agency
Encroachment Permit (Ocean Bluff Way)	City	Lead Agency
General Construction Stormwater Permit	San Diego Regional Water Quality Control Board	Responsible Agency



PLAN VIEW - PRELIMINARY GRADING PLAN

SCALE: 1" = 20'

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- CENTERLINE OF ROAD
- PROPOSED LOT LINES
- ADJACENT LOT LINES
- EXISTING EASEMENTS
- PROPOSED EASEMENT
- PROPOSED SETBACKS
- PROPOSED LIMIT OF GRADING
- PROPOSED CONTOUR 140
- EXISTING CONTOUR
- LIMITS OF ENVIRONMENTALLY SENSITIVE HABITAT AREA (NORTH OF LINE)
- PROPOSED 6" CURB & GUTTER
- PROPOSED 6" CURB
- PROPOSED HARDSCAPE
- PROPOSED MASONRY RETAINING WALL
- PROPOSED RETAINING WALL (DESIGN BY OTHERS)
- PROPOSED GEOTEXTILE RETAINING WALL (DESIGN BY OTHERS)
- PROPOSED BMP
- PROPOSED AC PAVEMENT
- EXISTING WATER MAIN (SIZE PER PLAN)
- EXISTING SEWER MAIN (SIZE PER PLAN)
- EXISTING STORM DRAIN (SIZE PER PLAN)
- EXISTING GAS MAIN
- PROPOSED 4" PVC STORM DRAIN
- PROPOSED 18" PVC PRIVATE STORM DRAIN
- PROPOSED 12" X 12" AREA DRAIN
- PROPOSED 4, X 10' TREE WELL BMP

ABBREVIATIONS

AR/AV	AIR-RELEASE & AIR/VACUUM VALVE
BO	BLOW-OFF
BS	BOTTOM OF STAIR
BW	BOTTOM OF WALL
DI	DUCTILE IRON
FF	FINISHED FLOOR ELEVATION PER ARCHITECT
FG	FINISHED GRADE
FS	FINISHED SURFACE
GB	GRADE BREAK
GF	FACE OF GARAGE ELEVATION
GV	GATE VALVE
HP	HIGH POINT
IE	INVERT ELEVATION
LP	LOW POINT
TB	THRUST BLOCK
TC	OP OF CURB
TG	TOP OF GRATE
TS	TOP OF STAIR
TW	TOP OF WALL
WAS	WATER AGENCIES' STANDARDS

SITE NOTES

1 ALL UTILITIES SHOWN HEREON PER BEST AVAILABLE RECORDS. CONTRACTOR SHALL VERIFY EXACT HORIZONTAL AND VERTICAL LOCATION PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER OF RECORD OF DISCREPANCIES UPON DISCOVERY

PROPOSED EASEMENT NOTES

SEE SHEET 2 FOR PLOTTING AND SUMMARY OF PROPOSED EASEMENTS

EXISTING EASEMENT NOTES

SEE SHEET 3 FOR PLOTTING AND SUMMARY OF EXISTING EASEMENTS

CONSTRUCTION NOTES

1. EXISTING SURVEY MONUMENT TO BE PROTECTED IN PLACE. CORNER RECORD OR RECORD OF SURVEY TO BE FILED WITH THE COUNTY IF DISTURBED OR DESTROYED
2. PROPOSED 6" PCC CURB PER SDRSD G-1
3. PROPOSED 6" PCC CURB & GUTTER PER SDRSD G-2
4. PROPOSED MASONRY RETAINING WALL PER SDRSD C-03
5. PROPOSED 4'X4' RIP RAP ENERGY DISSIPATER PER SDRSD D-40, 1/4 TON CLASS BACKING, T = 2.7 FT
6. PROPOSED 36" X 36" BROOKS BOX OUTLET STRUCTURE SEE BIOFILTRATION BASIN DETAIL SHEET 9
7. PROPOSED 4" AC PAVEMENT OVER 6" CLASS II AB PER GEOTECH RECCOMENDATIONS
8. PROPOSED AC PAVEMENT SAWCUT SEE DETAIL SHEET 9
9. 150-FT SIGHT DISTANCE VIEW CORRIDOR PER CALTRANS HIGHWAY DESIGN MANUAL
10. PROPOSED PCC DRIVEWAY APRON PER SDRSD G-14B (NO SIDEWALK), SEE DETAIL SHEET 9
11. PROPOSED PCC CROSS GUTTER PER SDRSD G-12
12. PROPOSED RETAINING WALL PER STRUCTURAL DESIGN
13. PROPOSED 6" PCC ROLLED CURB PER SDRSD G-4B
14. PROPOSED TYPE A CLEANOUT PER SDRSD D-09
15. PROPOSED GEOGRID RETAINING WALL, DESIGN BY OTHERS
16. PROPOSED 12" X 12" AREA DRAIN BY NDS OR APPROVED EQUAL
17. PROPOSED 3" PVC UNDERDRAIN PER SDRSD D-27 @2.0%
18. PROPOSED 2' X 2' RIP RAP ENERGY DISSIPATER PER SDRSD D-40; ROCK CLASS NO 2 BACKING, T = 1.1 FT
19. PROPOSED MAILBOX AND "USPS ONLY, NO PARKING" SIGN
20. PROPOSED MODIFIED PCC HEADWALL PER DETAIL SHEET 9
21. PROPOSED 4' X 10' TREE WELL BMP PER DETAIL SHEET 9
22. 15-FT SIGHT DISTANCE TRIANGLE
23. PROPOSED DECORATIVE PAVERS PER SEPARATE LANDSCAPE PLAN SEE NOTE SHEET 4
24. PROPOSED GRAVITY RETAINING WALL PER SDRSD C-9
25. PROPOSED TYPE A PCC PED RAMP PER SDRSD G-27A

PAVER NOTE:
DECORATIVE PAVERS SHALL BE A MINIMUM OF 20-FT IN DEPTH

NOTE:
PROPOSED ABOVE-GROUND EQUIPMENT TO BE SCREENED TO THE SATISFACTION OF THE CITY OF ENCINITAS PLANNING DEPARTMENT

0 20 40 60

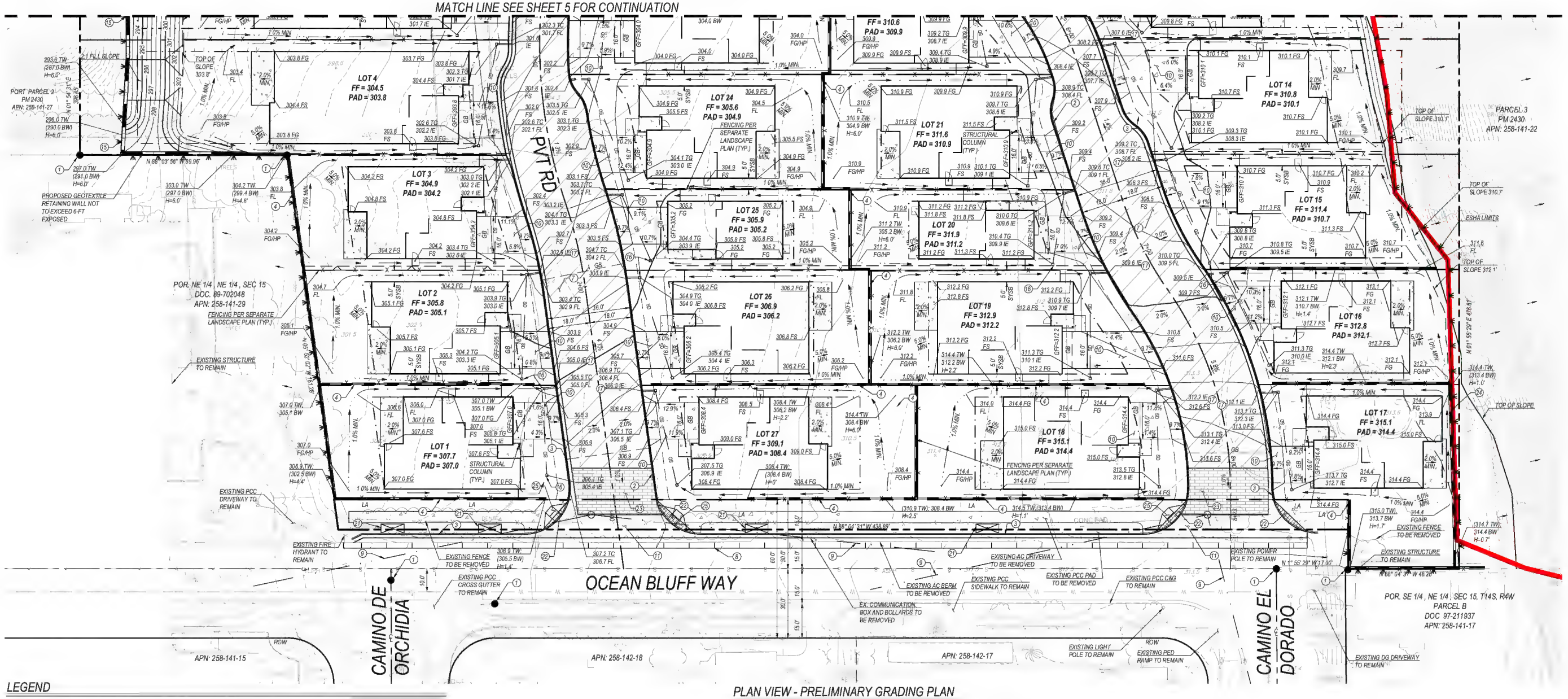
Source: PLSA Engineering 2024

Figure 3-9a

Preliminary Grading Plan

OCEAN BLUFF RESIDENTIAL EIR

BARANEK Consulting Group



PLAN VIEW - PRELIMINARY GRADING PLAN

LEGEND

- PROPERTY LINE
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- CENTERLINE OF ROAD
- PROPOSED LOT LINES
- ADJACENT LOT LINES
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- PROPOSED LIMIT OF GRADING
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20. PROPOSED MODIFIED PCC HEADWALL PER DETAIL SHEET 9
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PROPOSED ABOVE-GROUND EQUIPMENT TO BE SCREENED TO THE SATISFACTION OF THE CITY OF ENCINITAS PLANNING DEPARTMENT

0 20 40 60

Source: PLSA Engineering 2024

Figure 3-9b

Preliminary Grading Plan

OCEAN BLUFF RESIDENTIAL EIR

BARANEK Consulting Group

4. ENVIRONMENTAL IMPACT ANALYSIS

4.1 Introduction to the Analysis

This chapter lists the impact areas that will be discussed in subsequent sections, discusses the organization of each topical section and the terminology used in the environmental analysis, and describes the methodology related to the cumulative analysis.

As discussed in Chapter 6, *Other CEQA Considerations*, impacts associated with agriculture and forestry resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire, would be less than significant and, thus, are not addressed further within this chapter of the Draft Environmental Impact Report (EIR).

The following impact areas are addressed in this chapter of the EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Land Use and Planning
- Noise and Vibration
- Transportation
- Tribal Cultural Resources

The analysis of each environmental issue area includes the following elements:

- **Existing Conditions:** Describes the existing physical conditions with regard to the environmental resource area reviewed within and in the vicinity of the project site. Each environmental topic provides a description of the baseline physical conditions by which the City of Encinitas, as lead agency, determines whether an impact is significant (additional details regarding existing conditions may also be provided in the individual impact assessments).
- **Regulatory Framework:** Describes the federal, state, regional, and local laws and regulations that will shape the way development occurs on the project site. Development of the project would require adherence to a variety of regulatory requirements, codes, and ordinances. When regulations or codes (in whole or in part) are required, establish specific performance standards, design requirements or construction or engineering standards), and do not require any discretionary action by a governmental agency in implementation, it is assumed they would be adhered to with project implementation.
- **Thresholds and Methodology:** Presents the criteria against which the significance of impacts is determined and identifies how impacts on an environmental issue were determined.
- **Impact Analysis:** Presents the determination made for each threshold of significance.
- **Level of Significance before Mitigation:** Summarizes the impact determination made prior to any applicable mitigation measures.
- **Mitigation Measures:** Presents all applicable mitigation measures.
- **Level of Significance after Mitigation:** Summarizes the impact level after applying any applicable mitigation measures.

4.1.1 Terminology Used in This Environmental Analysis

When evaluating the impacts of the proposed project and project alternatives, the level of significance is determined by applying the threshold of significance (significance criteria) presented for each resource evaluation area. The following terms are used to describe each type of impact:

- **No Impact:** No adverse impact on the environment would occur, and mitigation is not required.
- **Less-than-Significant Impact:** The impact does not reach or exceed the defined threshold of significance and mitigation is not required.
- **Potentially Significant Impact:** Project impacts would exceed the defined thresholds of significance before identification of mitigation measures. A "significant effect" is defined by Section 15382 of the CEQA Guidelines as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment [but] may be considered in determining whether the physical change is significant." For impacts that exceed a threshold of significance, feasible mitigation measures that avoid or reduce the potential impact are identified.
- **Less-than-Significant Impact with Mitigation:** The impact reaches or exceeds the defined threshold of significance and mitigation is, therefore, required. Feasible mitigation measures, when implemented, will reduce the significant impact to a less-than-significant level.
- **Mitigation Measures:** Mitigation refers to feasible measures that would be implemented to avoid or lessen potentially significant impacts. Mitigation may include:
  - Avoiding the impact completely by not taking a certain action or parts of an action
  - Minimizing the impact by limiting the degree or magnitude of the action and its implementation
  - Rectifying the impact by repairing, rehabilitating, or restoring the affected environment
  - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
  - Compensating for the impact by replacing or providing substitute resources or environments

  The mitigation measures would be proposed as conditions of project approval and would be monitored to ensure compliance and implementation.
- **Significant and Unavoidable Impact.** The impact has been mitigated to the extent feasible but will remain significant after implementation of all feasible mitigation measures.

4.2 Aesthetics

The following analysis addresses potential aesthetic and visual character or view quality impacts that may result from the construction and operation of the proposed project. The discussion addresses the existing conditions in the project area, identifies the applicable regulatory framework governing aesthetics, identifies potential environmental impacts and recommends mitigation, as applicable.

4.2.1 Existing Conditions

4.2.1.1 Scenic Resources

Site Conditions

The vacant project site is situated adjacent to Encinitas Boulevard with the proposed development area located above the north-facing inland bluff and steep slopes adjacent to the road. Topographically, the project site ranges in elevation from about 199 feet above mean sea level (AMSL) near the northern boundary to 304 feet AMSL in the southern portion of the site. The northern and eastern portions of the project site are characterized by 30- to 50-foot-tall slopes, of which approximately 0.9 acres are naturally occurring steep slopes greater than 25 percent gradient. The upper portion of the site is on a blufftop overlooking Encinitas Boulevard and was formerly developed with a commercial nursery. Concrete and asphalt pads remain from the prior use, three wireless telecommunications antenna facilities and eight trees are present on-site. The existing trees on the property include a date palm, queen palms and a pine tree. Areas surrounding the project site contain single-family residential properties, commercially developed land (i.e., self-storage and commercial shopping center) and two adjacent undeveloped parcels. Because of its elevated topography, views from the site capture the surrounding residential and commercial development, undeveloped hillsides and coastal areas of central Encinitas, including the Pacific Ocean horizon to the west. There are no significant views of the coast, ocean, lagoons, backcountry canyons, valleys, ridges and other distinctive geographic features through the project site from local public roads. **Figures 4.2-1a** and **4.2-1b**, *Project Site Photos*, provide a review of the existing site conditions viewed from Ocean Bluff Way and Encinitas Boulevard, respectively. Site visibility from these public roads is described below.

Site Visibility

The project site is primarily visible from the travel lanes of several public roads in central Old Encinitas, including Encinitas Boulevard along the north and Ocean Bluff Way to the south. The site is also visible in the near-range from the northern termini of Camino De Orchidia and Camino El Dorado at their intersections with Ocean Bluff Way along the southern property boundary. Due to its location along Encinitas Boulevard and elevated topography, longer range views of the site are also available from the public streets that traverse the neighborhoods north of Encinitas Boulevard, including Delphinium Street and Rosebay Drive.

The primary site features that are visible from the northern public vantage points consist of the undeveloped steep slopes that contain native and non-native vegetation, while views from the southern public vantage point are limited to the disturbed level bluff top, which features chain link fencing, concrete/asphalt remnants and trees from the former commercial nursery, and wireless communication facilities. The on-site steep slopes are not visible from the south. Intervening

View of Site from Ocean Bluff Way

View of Site from Ocean Bluff Way

Figure 4.2-1a

Project Site Photos

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View of Site from Encinitas Boulevard

View of Site from Encinitas Boulevard

Figure 4.2-1b

Project Site Photos

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residential development and mature landscaping also limit views of the project site from public vantage points farther to the south.

The primary viewers in the project area consist of local residents and/or visitors travelling through the project area along surrounding public roads, bikeways and sidewalks. The duration of public views is influenced by intervening development and mature vegetation, road width, travel speed and roadway configuration. In the immediate project vicinity, Encinitas Boulevard is a four-lane major road with a posted speed limit of 40 miles per hour (mph), is striped with Class II bike lanes and has paved sidewalks on both sides of the road. Between Quail Gardens Drive and Balour Drive, Encinitas Boulevard features a sweeping curvilinear travel path, a portion of which parallels the northern property line and limits the duration of available views toward the project site. Figure 4.2-1 illustrates public views of the site from local roads in the project area. According to San Diego Association of Governments (SANDAG), approximately 37,700 to 38,300 vehicles are predicted to use the section of Encinitas Boulevard in the project area on a daily basis by 2035 (Kimley Horn 2018). No data are collected on the number of vehicles using Ocean Bluff Way; however, the road is a residential collector that provides access to the local neighborhood.

4.2.1.2 Visual Character and Quality

The project site is situated in the central portion of the Old Encinitas community of the City. The primary land use in the community is single-family residential, with some multi-family residential located closer to the beach. Commercial/office uses are located typically along Highway 101 on small lots. Highway 101 and the I-5 Freeway traverse these communities. The combination of varied architecture, narrow uncurbed streets, pedestrian orientation, and mature, unplanned landscaping creates an informal, eclectic, small town feel that dominates the character of the community.

The project site is currently vacant with the southern portion formerly used as a commercial nursery operation until the business closed, and structures were demolished. The site and its vicinity are zoned for rural residential and business park development and the area surrounding the project site is predominately developed with large lot single-family residential development along Ocean Bluff Way and adjacent streets to the south (refer to the aerial photograph in Figure 3-3, *Aerial Photograph*). To the west and east of the site are vacant lands and commercially developed properties fronting Encinitas Boulevard. To the north of the site and Encinitas Boulevard, properties feature smaller lot residential development. The properties in the project vicinity feature a wide range of architectural styles, building materials and landscape treatments that do not follow any particular theme or character. Mature trees are situated throughout the nearby neighborhood.

4.2.1.3 Light and Glare

The project site is currently vacant with no existing light sources occurring on site. Near the project site there are lighting fixtures on the exterior and interiors of the surrounding homes and overhead streetlights along the public right-of-way for Encinitas Boulevard. The existing fixtures contribute to ambient night lighting during the evening and nighttime hours. No overhead light fixtures exist along Ocean Bluff Way or the other local roads in the project area.

4.2.2 Regulatory Framework

4.2.2.1 State

Caltrans Scenic Highway Program

The California Scenic Highway Program was created by the legislature in 1963 (Streets and Highway Code Section 260 et seq.) and managed by the California Department of Transportation (Caltrans). Its purpose is to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. A state scenic highway is any designated freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality. A scenic designation is determined by the local jurisdiction after consideration and evaluation of how much of the natural landscape a passing motorist sees and the extent to which visual intrusions (e.g., buildings, unsightly land uses, noise barriers) impact the "scenic corridor." The nearest designated state scenic highway is State Route 163 through Balboa Park, located approximately 22 miles south of the project site. Interstate 5, including the portion that traverses through Encinitas, is an "eligible" state scenic highway and located approximately 0.6 miles west of the project site.

California Coastal Act

The California Coastal Act (Public Resources Code §30000 et seq.) includes amongst its objectives prioritizing "the protection of important scenic resources and views from public areas," including views from roads, trails, parks and beaches. In addition, Public Resources Code Sections 30251 and 30253 require that development protect coastal scenic, visual qualities, and special communities that add "visual attractiveness" to the coast (Public Resources Code Section 30253).

Under the act, local governments are required to adopt Local Coastal Programs (LCP) within their jurisdictions. The LCP consists of a Land Use Plan (LUP) with goals and regulatory policies as well as a set of implementing ordinances. Because the City falls within the Coastal Zone, the Coastal Act requires its goals and polices be implemented by the City through its LUP (i.e., General Plan and LCP).

4.2.2.2 Local

City of Encinitas General Plan and Local Coastal Plan

The City of Encinitas General Plan (General Plan) was adopted in 1989 and serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The primary General Plan goals and policies that are relevant to aesthetics and visual character within the City are contained within the Land Use and Resource Management Elements and noted below with reference to the related section of the California Coastal Act. The applicable policies to the proposed project are listed below.

<u>Land Use Element</u>

> GOAL 7: Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities. (Public Resources Code § 30253)

GOAL 8: Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Public Resources Code §§ 30240 and 30253)

POLICY 8.1: Require that any improvement constructed in an area with a slope of more than 25 percent and other areas where soil stability is at issue to submit soils and geotechnical studies to the City for review and approval. These studies shall document that the proposed development will not adversely affect hillside or soil stability and that no future protective measures will be required. (Public Resources Code § 30253)

POLICY 8.5: The Special Study Overlay designation shall be applied to lands which, due to their sensitive nature, should only be developed with consideration of specific constraints and features related to drainage courses, bluffs, slopes, geology and soils, biotic habitat, viewsheds and vistas, and cultural resources. Development within the overlay area shall be reviewed and approved in accordance with criteria and standards which protect coastal and inland resources. (Public Resources Code §§ 30240 and 30253)

POLICY 8.6: Significant natural features shall be preserved and incorporated into all development. Such features may include bluffs, rock outcroppings, natural drainage courses, wetland and riparian areas, steep topography, trees, and views. (Public Resources Code §§ 30240, 30250, and 30251)

POLICY 8.7: Non-developable or constrained areas should be evaluated for possible use as open space or recreational use. (Public Resources Code § 30240)

GOAL 9: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic highways and vista/viewsheds as identified in the Resource Management Element. (Public Resources Code §§ 30240 and 30251)

Resource Management Element

GOAL 3: The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area. (Public Resources Code § 30240)

GOAL 4: The City, with the assistance of the State, Federal and Regional Agencies, shall provide the maximum visual access to coastal and inland views through the acquisition and development of a system of coastal and inland vista points. (Public Resources Code § 30251)

POLICY 4.5: The City will designate "Scenic/Visual Corridor Overlay" areas within which the character of development would be regulated to protect the integrity of the Vista Points according to the following criteria:

- Critical viewshed areas should meet the following requirements:
    - Extend radially for 2,000 feet (610M) from the Vista Point; and
    - Cover areas upon which development could potentially obstruct, limit, or degrade the view.
- Development within the critical viewshed area should be subject to design review based on the following:
    - Building height, bulk, roof line and color and scale should not obstruct, limit or degrade the existing views.

- Landscaping should be located to screen adjacent undesirable views (parking lot areas, mechanical equipment, etc.) (Public Resources Code §§ 30251 and 30253)

POLICY 4.8: The City will designate Scenic/Visual Corridor Overlay and scenic highway viewshed areas as illustrated on the Visual Resource Sensitivity Map. (Public Resources Code § 30251)

POLICY 4.11: The City will develop a program to preserve views that also preserves the appropriate vegetation and removes obstacles that impact views. Trees and vegetation which are themselves part of the view quality along the public right-of-way will be retained. (Public Resources Code § 30251)

Local Coastal Program

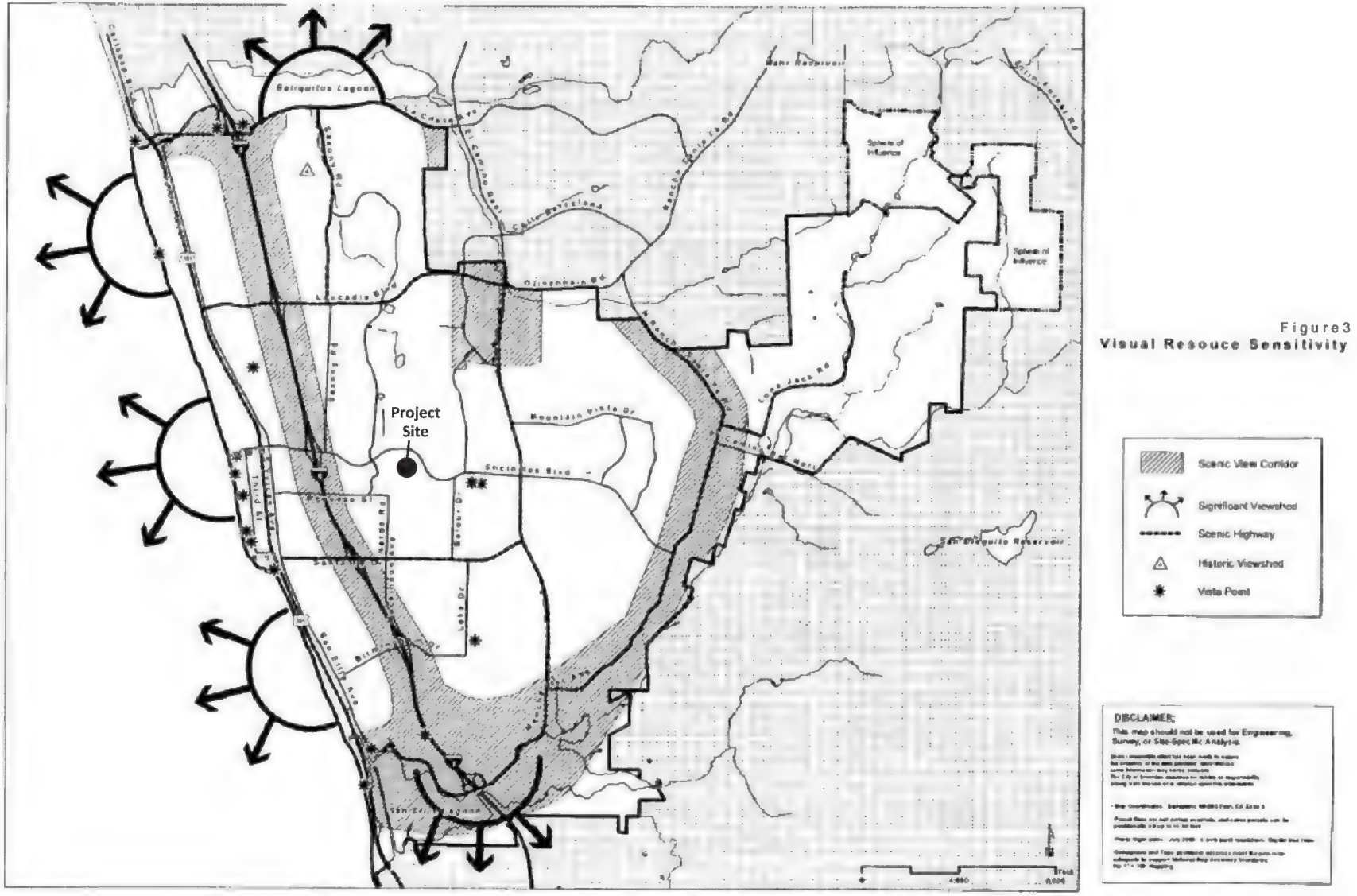
Approximately two-thirds of Encinitas lies within the boundaries of the California Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an LCP for those areas of the Coastal Zone within its jurisdiction. Therefore, in addition to the General Plan the City also maintains the LCP which has goals and policies that are directly related to California Coastal Act requirements. The General Plan includes issues and policies related to California Coastal Act requirements (as noted above); therefore, the General Plan serves as the LCP LUP for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject to certain design restrictions for developing in the Coastal Zone (building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.). The City is responsible for the issuance of Coastal Development Permits (CDPs) within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. The City's decision on a CDP may be appealed to the Coastal Commission, if a property is in the Coastal Appeal Zone. The project is outside the appeal zone jurisdiction.

According to the General Plan Visual Resource Sensitivity Map, the project site is not located in the City's Scenic View Corridor Overlay Zone nor is it within the viewshed of any scenic vista inland points identified in the Resource Management Element. There are no formally designated scenic vistas in the project area. **Figure 4.2-2,** *Visual Resources Sensitivity Map*, illustrates the project location relative to defined scenic corridors and vistas identified in the General Plan.

Encinitas Municipal Code

Zoning Regulations

Title 30 of the EMC contains the Zoning Regulations that are used as an implementation mechanism for achieving the goals, objectives, and policies identified in the General Plan. General Plan land use designations provide basic criteria and guidelines for future development in the City while specific development standards are included in the Zoning Regulations. The land use designations identified in the General Plan Land Use Element correspond to the boundaries of one or more zoning districts identified on the City's Zoning Map. The EMC also defines several Special Purpose Overlay Zones, in Chapter 30.34. With regard to scenic resources, the project site is located within the Hillside/Inland Bluff Overlay Zone, as shown in Figures 4.6-2 and 4.6-3, and the Coastal Overlay Zone.



Source: City of Encinitas General Plan

Figure 4.2-2

Visual Resources Sensitivity Map

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Hillside/Inland Bluff Overlay Zone

The Hillside/Inland Bluff Overlay Zone regulations apply to all areas within the Special Study Overlay Zone where site-specific analysis indicates that 10 percent or more of the area of a parcel of land exceeds 25 percent slope. A slope analysis must be prepared to illustrate where slopes greater than 25 percent occur on the project site. Where structures and improvements are proposed within any areas of greater than 25 percent slope, a geological reconnaissance report shall also be submitted. Slopes of greater than 25 percent grade must be preserved in their natural state unless it can be demonstrated that encroachment would not result in excess bulk and scale. A deviation in the encroachment allowance of up to 20 percent of the entire parcel may be granted through the design review process. All slopes over 25 percent grade that remain undisturbed, or that are restored or enhanced as a result of a development approval, shall be conserved as a condition of that approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such slopes.

Coastal Overlay Zone

The project site lies within the Coastal Overlay Zone and requires a CDP to ensure conformance with the California Coastal Act. Projects within the Coastal Zone Overlay are subject to certain design restrictions for developing within the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

Tree Ordinance

The purpose of the City's Tree Ordinance (EMC Section 15.02), adopted by the City Council in 2017, is to promote and protect public health, safety, and general welfare by providing for the regulation of the planting, management, maintenance, preservation, and, where necessary, removal of public trees and heritage trees. The Municipal Tree Ordinance (EMC 15.02) is intended to supplement the City's Policies and Administrative Procedures and requires that the City Manager designate a City Arborist, who serves as the City's expert and advisor to the City Manager and departments on urban forestry matters. Public trees occur within the public rights-of-way or on public property. Heritage trees are defined as a tree of community of significance located on public or private property that has been designated by the City. Neither public trees nor heritage trees occur on the project site.

City of Encinitas Design Standards and Guidelines

Where a project is subject to Design Review, pursuant to Sections 23.08.030 and 23.08.040 of the EMC, it is subject to the objective design standards identified in the City of Encinitas' Design Standards and Guidelines (City 2022). The Design Standards and Guidelines are intended to guide future development in the City while maintaining the character and architectural design exhibited by the City's varied communities, contributing to a positive physical image and identity, and allowing for creativity and innovation in design. They contain design standards for site planning, grading, circulation, parking and streetscape, architecture and signage, lighting and landscaping. The Design Standards and Guidelines do not seek to impose an overriding style, a limited color palette, nor an artificial theme. They seek to assist in promoting the positive design characteristics that exist throughout the City.

The site planning portion of the Design Standards and Guidelines help maintain visual character and require the following broad standards, visual concepts, and guidelines be respected by projects as closely as possible. In general, consideration is given in the design standards and guidelines to the overall project layout and design, taking into account the natural assets of the site and surrounding uses. Other site factors considered during the design review process include existing site character and whether or not there are significant views in the project area.

The purpose of the grading and landform Design Standards and Guidelines are to create landforms that work together with the surrounding topography, existing vegetation, circulation, and land features as well as other elements of the total project site. During the design review process outlined in EMC Section 23.08.030, grading must be deemed consistent with EMC Section 23.24.490, which requires projects to be consistent with the topography of adjacent property and proposed pad elevations be not more than four feet higher or eight feet lower than the natural or existing grade unless it is determined by the Director that such slopes will not have significant visibility from adjoining properties or the public right-of-way.

The circulation, parking and streetscape Design Standards and Guidelines address the designs of streetscapes, automobile areas and pedestrian areas. This portion of the guidelines recognize that streets in Encinitas are a key element of the community character.

The purpose of the architecture and sign section of the Design Standards and Guidelines are to provide guidance for architectural design that not only complements but also enhances community character. They address building design; reduction of the visual bulk of structures; façade articulation colors and materials; architectural character and detailing; solar integration; mechanical equipment; fences and walls; privacy; and signage.

The lighting portion of the Design Standards and Guidelines were developed to help integrate the community's development and prevent lighting from interfering with residential properties.

The landscape Design Standards and Guidelines recognize that the eclectic nature of the landscape is a special feature that provides a significant basis for the City's character, and they address the design of parkways and medians; project entries; parking areas; slope planting design; and drainage.

In addition to the Design Standards and Guidelines, housing development projects, such as the proposed project, are also subject to consistency with objective standards in the EMC and General Plan. Obtaining a Design Review approval signifies a project's compliance with the architectural appearance and physical development of the City.

City of Encinitas Climate Action Plan

Under the Climate Action Plan's (CAP's) Carbon Sequestration Strategy is Goal 7.1: Increase Urban Tree Cover. Supporting measures for Goal 7.1 include "The City will continue to encourage developers to avoid the removal of any mature trees when a property is developed or redeveloped. If the removal of mature trees is unavoidable, trees are required to be replaced at a 1:1 ratio." The project site currently features eight mature trees.

4.2.3 Thresholds and Methodology

4.2.3.1 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

4.2.3.2 Methodology

Neither CEQA nor the City have technical methodologies for assessing aesthetics and visual resource impacts. A site visit was conducted to observe and document the existing visual quality and character of the project site, as well as the surrounding areas. The General Plan, EMC and Design Standards and Guidelines were also reviewed to determine applicable policies and design requirements for the project. Through the City's Design Review process, an application is reviewed for consistency with the objective standards outlined in the City's Design Standards and Guidelines in order to ensure positive physical design characteristics are implemented. Thus, a Design Review Permit signifies a project's compliance with the architectural appearance and physical development standards of the City, taking into account scenic vistas and resources, visual character and scenic quality, and light or glare.

4.2.4 Impact Analysis

4.2.4.1 Impact 4.2-1: Scenic Vistas

The project site is proposed on an infill location that was previously developed with a commercial nursery and is not situated in or near the City's Scenic View Corridor Overlay Zone defined in the Land Use Element of the General Plan nor is it within the viewshed of any scenic vista inland points identified in the Resource Management Element (refer to Figure 4.2-2). In addition, there are no formally designated scenic corridors in the project area. The project site is not visible from any scenic vista points and would not substantially block a public view through the vista points. Therefore, development of the project site with 27 single-family residential units would not affect any of the scenic corridors or vistas recognized by the City's General Plan. *No impact* to scenic vistas would occur.

4.2.4.2 Impact 4.2-2: Scenic Resources

The project site has been previously disturbed with commercial nursery development and contains no rocks or outcroppings. The remains of the concrete slab are partially visible from Ocean Bluff Way but are not a substantial contributor to the aesthetic of the property nor a scenic resource. Development of the project site with 27 single-family residences would not damage any regionally significant scenic resources. The on-site steep slopes would be preserved in place as a condition of project approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such slopes, pursuant to the Hillside/Inland Bluff Overlay Zone regulations. The existing eight mature trees on-site to be removed by the proposed development are not designated heritage trees or on public property and would be replaced by 21 new trees as part of the project landscaping, which is greater than the 1:1 replacement ratio outlined in Policy 7.1 of the CAP. The project would not be visible from I-5, the closest eligible state scenic highway to the project site. Thus, the proposed project would not significantly affect any scenic resources, including trees, rock outcroppings, or historic buildings within a state scenic highway. *No impact* to scenic resources would occur.

4.2.4.3 Impact 4.2-3: Visual Character or Quality

Projects located in urbanized areas would result in a significant aesthetic impact if the project would conflict with applicable zoning and other regulations governing scenic quality. Because the project site is located within an urbanized area of the City, the latter criteria is applied for analyzing potential impacts on visual character and public views of the site and its surroundings.

The project proposes to modify the existing vacant, undeveloped character of the site to create a 27-unit single-family residential development. The project site was formerly occupied for several years by a commercial nursery operation until the structures were subsequently demolished. The project consists of the construction of two-story residential structures, along with other site improvements such as an internal roadway, privacy walls, landscaping and public road improvements. The residential development would be clustered in the southern portion of the site to minimize encroachment into the on-site steep slopes and sensitive habitats. Due to the proposed increase in density, the intensity of single-family residential character of the project would appear greater than the adjacent residential neighborhood situated south of the project site. However, the project design has been developed to incorporate the City's objective design standards and guidelines and would minimize the contrast with adjacent residential properties through the use of sensitive grading techniques, a variety of architectural styles, and landscape features.

For example, the project grading plan would create a new landform that would gradually step down in elevation from the south to north and from the east to west directions. Retaining walls would be integrated throughout the site to facilitate building pad creation and enable the stepping of the project's landform away from Ocean Bluff Way and nearby residences. The proposed landform would reduce the visibility of the residence rooftops as they extend lower in elevation toward the north and west away from Ocean Bluff Way. In terms of the architectural design, three different architectural styles (Coastal Traditional, Coastal Rustic, and Coastal Modern), four different floor plans, and natural/neutral color palette and material schemes would be distributed throughout the site to provide a high-quality aesthetic. A variety of trees, shrubs, and groundcovers, as listed in Table 3-2 of Chapter 3, would be installed throughout the project site to complement the site layout

and architectural design. A landscaped parkway, including landscaping and street trees, would be created along the northern street frontage of Ocean Bluff Way where none exists. Vinyl privacy fencing with stucco pilasters and/or masonry view fencing would be installed around the development perimeter to provide visual separation between the existing development and proposed residences, while allowing for long-range views from some of the proposed homes' backyards. Enhanced paving would be installed at the project site entrances from Ocean Bluff Way. All mechanical equipment installed on site would be screened in accordance with the EMC requirements.

Because of its elevated topography, the portion of the site proposed for residential development would be visible from local public roads to the north, including Encinitas Boulevard where the majority of viewers exist, and from Ocean Bluff Way to the south. The duration of views from Encinitas Boulevard would be limited by the on-site steep slopes, intervening topography, surrounding mature vegetation, nearby buildings, lower elevation of the road and curvilinear configuration of its travel path. Public views of the site from the travel lanes of Ocean Bluff Way would be unrestricted because of the level topography and lack of intervening structures and landscape features. However, none of the local roads in the project area are designated scenic corridors.

The visual character changes attributable to the project site development would be noticeable to local viewers. The project design would minimize character changes in the project area by preserving in place (through recordation of an open space easement) the steep slopes that dominate views along its frontage with Encinitas Boulevard and points north of the site, as required by the Hillside/Inland Bluff Overlay Zone regulations, and installing landscape treatments to soften views of the development improvements from adjacent properties. However, the intensity of residential development would be greater than the surrounding properties and proposed changes in site's visual character would be highly visible to local residents and visitors along public roads. Based on a review by the City Planning and Engineering Departments, the project's design would feature positive characteristics consistent with the intent of the City's Design Standards and Guidelines and would comply with the architectural appearance and physical development of the City. Therefore, the project would not result in a conflict with regulations protecting visual character and public view quality and *less-than-significant* impacts would occur.

Inland Hillside/Bluff Overlay Zone

The project's site plan clusters development at the southern side of the property, incorporates an approximately 10 to 20-foot-wide bluff setback from steep slopes and sensitive habitats, and minimizes encroachment into steep slopes (i.e., inland bluffs) situated on-site. While most of the project development area would occur outside of the steep slopes on the project site, the project would encroach into 8.2 percent (0.077 acre) of steep slope area, below the maximum 10 percent encroachment allowance in EMC Chapter 30.34.040 when steep slopes occur on 75 percent or less of the site (i.e., maximum permitted encroachment on the project site is 0.094 acre). The on-site steep slopes and accompanying native and non-native habitats that would continue to be highly visible along Encinitas Boulevard and would be preserved in place as a condition of approval through a deed restriction, open space easement, or other suitable device, in accordance with the Hillside/Inland Bluff Overlay Zone regulations in the EMC. Therefore, no conflicts with the EMC steep slope regulations are identified and *less than significant* visual character and public view quality impacts would occur.

Coastal Overlay Zone

The project has been designed in conformance with the requirements of the Coastal Overlay Zone to ensure the protection of coastal and scenic resources within the community. The project includes pedestrian sidewalk improvements along its Ocean Bluff Way frontage that would link to off-site pedestrian pathways; nonetheless, there is no coastal access in the project area. As part of the design review process for the CDP, all project development features have been evaluated by City Planning Department staff ensuring consistency with required design measures of the Coastal Overlay Zone related to the preservation of views and scenic resources. The project would not affect view corridors, coastal access, or any coastal resources projected by the Coastal Overlay Zone. Thus, the project would conform with the requirements of the LCP and Coastal Overlay Zone and would not result in adverse effects on the scenic quality within the project vicinity or the overall Coastal Zone. Therefore, *less-than-significant* impacts related to visual character or public view quality of the coastal zone would occur.

4.2.4.4 Impact 4.2-4: Light and Glare

The proposed project would have a significant impact if substantial light or glare would adversely affect nighttime or daytime views in the area. The proposed project would develop 27 single-family residences, each with windows, as well as exterior lighting. As noted in Section 4.2.1.3, Light and Glare, the site is adjacent to or across Ocean Bluff Way from existing single-family residences, which also have light fixtures.

Potential sources of light associated with the project would consist of typical sources of lighting associated with the interior and exterior of residential development and from vehicles traveling to and from the project site. Overhead streetlights would be installed along the private interior road (i.e., six light fixtures). All lighting would be consistent with the City's lighting standards (EMC 30.40.010 (I)), which require:

- All light sources to be shielded in such a manner that light is directed away from streets or adjoining properties.
- All residential zones must have a measured sustained light standard that does not exceed one half foot-candle at the property line; and,
- Outdoor lighting fixtures to be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture.

The installation of six streetlights, providing one-half foot candle of light at the property line and shielded to direct light away from adjoining properties, would not adversely affect nighttime views in the area. Lighting impacts would be *less than significant*.

Glare is produced by the reflection of sunlight or artificial light on highly polished surfaces, such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Daytime glare is common in urban areas and is typically associated with exterior facades largely or entirely comprising highly reflective glass. Glare can also occur during evening and nighttime hours with the reflection of artificial light sources such as automobile headlights.

The project does not include the construction or installation of structures containing highly reflective materials or surfaces that could otherwise create a new source of substantial glare adversely affecting daytime or nighttime views in the area. Building materials would include stucco, cementitious lap or board/batten siding combined with wood, stone veneer or brick accents and metal garage doors. Composition shingle roofing would be used on all three architectural styles. The project does not include large expanses of glass or high gloss surface finishes that would have the potential to cause substantial reflection and/or glare effects. In addition, the project design has been subject to the City's Design Review process ensuring consistency with applicable objective Design Standards and Guidelines related to EMC light and glare standards cited above.

Rooftop solar panels atop the structures would generally be visible in views looking toward the project site. Due to the nature of their intended function, solar panels are designed to be highly absorptive of incoming sunlight and are not anticipated to create substantial glare that would affect motorists or off-site occupants of nearby residences. Therefore, the installation of solar panels would not contribute to a substantial glare effect.

Overall, the project has been designed to comply with City standards and minimize its light and glare and would result in a *less-than-significant* impact.

4.2.5 Level of Significance before Mitigation

4.2.5.1 Scenic Vistas

Development of the project site with 27 single-family residential units would not affect any of the scenic corridors or vistas recognized by the General Plan. *No impacts* to scenic vistas would occur.

4.2.5.2 Scenic Resources

The proposed project would not significantly affect any scenic resources, including trees, rock outcroppings, or historic buildings within a state scenic highway. *No impacts* to scenic resources would occur.

4.2.5.3 Visual Character or Quality

Although the intensity of single-family residential character of the project would be greater than the adjacent residential neighborhood situated south of the project site, the project design has been developed to reflect the intent of the City's objective Design Standards and Guidelines and would minimize the contrast with adjacent residential properties by using sensitive grading techniques, a variety of architectural styles, and landscape features. The on-site steep slopes and accompanying native and non-native habitats that are highly visible along Encinitas Boulevard would be preserved in place, in accordance with the Hillside/Inland Bluff Overlay Zone regulations in the EMC. All project development features have been the subject of City's Design Review process, ensuring consistency with required design restrictions of the Coastal Overlay Zone. *Less-than-significant* impacts to visual character and public view quality would occur.

4.2.5.4 Light and Glare

The proposed project has been designed to comply with City standards and minimize its light and glare and would result in a *less-than-significant* impact.

4.2.6 Mitigation Measures

No mitigation measures are required as the project would not significantly impact scenic vistas, scenic resources, visual character or public view quality, or light and glare in the project area.

4.2.7 Level of Significance after Mitigation

No mitigation measures are required to reduce aesthetics impacts. Impacts would be *less than significant*.

4.3 Air Quality

This section of the EIR evaluates potential air quality impacts resulting from implementation of the project. This analysis is based on the *Air Quality Technical Report* prepared by Dudek (Dudek 2024a). A copy of the report is included in **Appendix B**, *Air Quality Technical Report*.

4.3.1 Existing Conditions

4.3.1.1 Climate and Topography

The weather of the San Diego region, as in most of Southern California, is influenced by the Pacific Ocean and its semi-permanent high-pressure systems that result in dry, warm summers and mild, occasionally wet winters. The average temperature ranges (in degrees Fahrenheit) from the mid-40s to the high 90s. Most of the region's precipitation falls from November to April, with infrequent (approximately 10 percent) precipitation during the summer. The average seasonal precipitation along the coast is approximately 10 inches; the amount increases with elevation as moist air is lifted over the mountains (WRCC 2016).

The topography in the San Diego region varies greatly, from beaches on the west to mountains and desert on the east; along with local meteorology, it influences the dispersal and movement of pollutants in the basin. The mountains to the east prohibit dispersal of pollutants in that direction and help trap them in inversion layers.

The interaction of ocean, land, and the Pacific High-Pressure Zone maintains clear skies for much of the year and influences the direction of prevailing winds (westerly to northwesterly). Local terrain is often the dominant factor inland, and winds in inland mountainous areas tend to blow through the valleys during the day and down the hills and valleys at night.

4.3.1.2 San Diego Air Basin

The project site is located within the San Diego Air Basin (SDAB) and is subject to the San Diego Air Pollution Control District (SDAPCD) guidelines and regulations. The SDAB is one of 15 air basins that geographically divide the State of California. The SDAB is currently classified as a federal nonattainment area for ozone (O_3) and a state nonattainment area for particulate matter less than 10 microns (PM_{10}), particulate matter less than 2.5 microns ($PM_{2.5}$), and O_3.

The SDAB, which lies in the southwest corner of California and comprises the entire San Diego region, covers 4,260 square miles and is an area of high air pollution potential. The SDAB experiences warm summers, mild winters, infrequent rainfall, light winds, and moderate humidity. This usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds.

The SDAB experiences frequent temperature inversions. Subsidence inversions occur during the warmer months as descending air associated with the Pacific High-Pressure Zone meets cool marine air. The boundary between the two layers of air creates a temperature inversion that traps pollutants. The other type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer

formed between these two air masses also can trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions occur that produce O_3, which contributes to the formation of smog. Smog is a combination of smoke and other particulates, O_3, hydrocarbons, oxides of nitrogen (NO_x) and other chemically reactive compounds which, under certain conditions of weather and sunlight, may result in a murky brown haze that causes adverse health effects.

4.3.1.3 Existing Air Quality

SDAPCD operates a network of ambient air monitoring stations throughout San Diego County, which measure ambient concentrations of pollutants and determine whether the ambient air quality meets the California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS; refer to Section 4.3.2, *Regulatory Framework*, for more information regarding the CAAQS and NAAQS). SDAPCD monitors air quality conditions at ten locations throughout the basin. The Camp Pendleton monitoring station is the closest monitoring station to the project site for concentrations for O_3, $PM_{2.5}$, and nitrogen dioxide (NO_2). The Escondido monitoring station is the closest monitoring station for carbon monoxide (CO). The closest monitoring station for sulfur dioxide (SO_2) and PM_{10} is the El Cajon monitoring station. Ambient concentrations of pollutants from 2021 through 2023 are presented in Table 2 of the *Air Quality Technical Report* (refer to Appendix B). No exceedances of NO_2, CO, SO_2, or PM_{10} were recorded at these monitoring sites in 2021, 2022, or 2023. Exceedances of the state and federal maximum 8-hour concentration of O_3 were recorded one time each in 2023 and approximately 6 exceedances of $PM_{2.5}$ were reported in 2022.

4.3.1.4 Sensitive Receptors

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution, as identified by the California Air Resources Control Board (CARB), include children, older adults, and people with cardiovascular and chronic respiratory diseases. According to the SDAPCD, sensitive receptors are those who are especially susceptible to adverse health effects from exposure to toxic air contaminants, such as children, the elderly, and the ill. Sensitive receptors include residences, schools (grades Kindergarten through 12), libraries, day care centers, nursing homes, retirement homes, health clinics, and hospitals within 2 kilometers (1.24 mile) of a land use or facility (SDAPCD 2022). The closest sensitive receptors to the project site are single-family residences immediately adjacent to the western and southern boundaries of the site. Nearby schools include The Rhoades Middle School, approximately 500 feet east of the project site, Saint John School, approximately 1,100 feet southeast of the project site, Sunset High School, approximately 1,200 feet southwest of the project site, and the Phoenix Learning Center, approximately 1,600 feet southwest of the project site.

4.3.2 Regulatory Framework

4.3.2.1 Federal

Federal Clean Air Act

The federal Clean Air Act (CAA), passed in 1970 and last amended in 1990, forms the basis for the national air pollution control effort. The United States Environmental Protection Agency (EPA) is responsible for implementing most aspects of the CAA, including the setting of NAAQS for major air pollutants, hazardous air pollutant (HAP) standards, approval of state attainment plans, motor vehicle emission standards, stationary source emission standards and permits, acid rain control measures, stratospheric O_3 protection, and enforcement provisions.

NAAQS are established by the EPA for "criteria pollutants" under the CAA, which are O_3, CO, NO_2, SO_2, PM_{10}, $PM_{2.5}$, and lead. The NAAQS describes acceptable air quality conditions designed to protect the health and welfare of the citizens of the nation. Refer to Table 1 in the *Air Quality Technical Report* (Appendix B of this EIR) for the NAAQS. The CAA requires the EPA to reassess the NAAQS at least every five years to determine whether adopted standards are adequate to protect public health based on current scientific evidence. States with areas that exceed the NAAQS must prepare a state implementation plan (SIP) that demonstrates how those areas will attain the standards within mandated time frames.

The 1977 CAA Amendments required the EPA to identify national emission standards for hazardous air pollutants to protect public health and welfare. HAPs include certain volatile organic chemicals, pesticides, herbicides, and radionuclides that present a tangible hazard, based on scientific studies of exposure to humans and other mammals. Under the 1990 CAA Amendments, which expanded the control program for HAPs, 189 substances and chemical families were identified as HAPs.

Pursuant to the 1990 Clean Air Act Amendments, the EPA classifies air basins (or portions thereof) as "attainment" or "nonattainment" for each criteria air pollutant, based on whether the NAAQS have been achieved. Generally, if the recorded concentrations of a pollutant are lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "nonattainment" for that pollutant. These standards are set by EPA or CARB for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects on human health or public welfare. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated as "unclassified" or "unclassifiable."

The designation of "unclassifiable/attainment" means that the area meets the standard or is expected to be meet the standard despite a lack of monitoring data. Areas that achieve the standards after a nonattainment designation are redesignated as maintenance areas and must have approved maintenance plans to ensure continued attainment of the standards. The California Clean Air Act, like its federal counterpart, called for the designation of areas as "attainment" or "nonattainment," but based on the CAAQS rather than the NAAQS.

Table 4.3-1, *San Diego Air Basin Attainment Designation*, summarizes SDAB's federal and state attainment designations for each of the criteria pollutants.

TABLE 4.3-1
SAN DIEGO AIR BASIN ATTAINMENT DESIGNATION

Pollutant	Federal Designation	State Designation
O_3 (8-hour)	**Nonattainment**	**Nonattainment**
O_3 (1-hour)	Attainment[a]	**Nonattainment**
CO	Attainment	Attainment
PM_{10}	Unclassifiable[b]	**Nonattainment**
$PM_{2.5}$	Attainment	**Nonattainment**[c]
NO_2	Attainment	Attainment
SO_2	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	(No federal standard)	Attainment
Hydrogen sulfide	(No federal standard)	Unclassified
Visibility-reducing particles	(No federal standard)	Unclassified
Vinyl chloride	(No federal standard)	No designation

SOURCE: Dudek 2024a

ABBREVIATIONS: O_3 = ozone; CO = carbon monoxide; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter; NO_2 = nitrogen dioxide; SO_2 = sulfur dioxide

NOTES:

a. The federal 1-hour standard of 0.12 parts per million (ppm) for ozone was in effect from 1979 through June 15, 2005. The revoked standard is referenced here because it was employed for such a long period and because this benchmark is addressed in SIPs.
b. At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.
c. CARB has not reclassified the region to attainment yet due to (1) incomplete data, and (2) the use of non-California Approved Samplers (CAS). While data collected does meet the requirements for designation of attainment with federal $PM_{2.5}$ standards, the data completeness requirements for state $PM_{2.5}$ standards substantially exceed federal requirements and mandates and have historically not been feasible for most air districts to adhere to given local resources. SDAPCD has begun replacing most regional filter-based $PM_{2.5}$ monitors as they reach the end of their useful life with continuous $PM_{2.5}$ air monitors to ensure collected data meets stringent completeness requirements in the future. SDAPCD anticipates these new monitors will be approved as CAS monitors once CARB review the list of approved monitors, which has not been updated since 2013.

In San Diego County, O_3 and particulate matter are the pollutants of main concern, since exceedances of CAAQS for those pollutants are experienced in the region in most years. For this reason, the SDAB has been designated as a nonattainment area for the state PM_{10}, $PM_{2.5}$, and O_3 standards. The SDAB is also a federal O_3 attainment (maintenance) area for 1997 8-hour O_3 standard, a O_3 nonattainment area for the 2008 8-hour O_3 standard, and a CO maintenance area (western and central part of the SDAB only). The project area is in the CO maintenance area.

4.3.2.2 State

California Clean Air Act

The California Clean Air Act was adopted in 1988 and establishes the state's air quality goals, planning mechanisms, regulatory strategies, and standards of progress. Under the California Clean Air Act, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at regional and county levels. CARB is responsible for ensuring implementation of the California Clean Air Act, responding to the federal CAA, and regulating emissions from motor vehicles and consumer products. Pursuant to the authority granted to it, CARB has established CAAQS, which are generally more restrictive than the NAAQS. Refer to Table 1 in the *Air Quality Technical Report* (Appendix B of this EIR) for the CAAQS.

State Implementation Plan

The CAA requires areas with unhealthy levels of pollutants to develop plans, known as SIPs. SIPs are comprehensive plans that describe how an area will attain the NAAQS. The 1990 amendments to the CAA set deadlines for attainment based on the severity of an area's air pollution problem.

SIPs are not single documents they are a compilation of new and previously submitted plans, programs (e.g., monitoring, modeling, permitting), district rules, state regulations and federal controls. Many of California's SIPs rely on a core set of control strategies, including emission standards for cars and heavy trucks, fuel regulations and limits on emissions from consumer products. State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. CARB forwards the SIP revisions to the EPA for approval and publication in the Federal Register. The Code of Federal Regulations (CFR) Title 40, Chapter I, Part 52, Subpart F, Section 52.220 lists all of the items that are included in the California SIP. At any one time, several California submittals are pending EPA approval.

California Health and Safety Code

California Health and Safety Code Section 41700 states that a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. This section of the California Health and Safety Code also applies to sources of objectionable odors.

California Energy Code

California Code of Regulations (CCR) Title 24 Part 6, *California's Energy Efficiency Standards for Residential and Nonresidential Buildings*, were first established in 1978 in response to a legislative mandate to reduce California's energy consumption. Energy-efficient buildings require less electricity, natural gas, and other fuels. Electricity production from fossil fuels and on-site fuel combustion (typically for space and water heating) results primarily in greenhouse gas (GHG) emissions.

4.3.2.3 Local

San Diego Air Pollution Control District

Local air quality management districts and air pollution control districts are responsible for enforcing standards and regulating stationary sources. The project site is located within the SDAB and is subject to the guidelines and regulations of the SDAPCD. The following rules and regulations apply to all sources in the jurisdiction of the SDAPCD:

SDAPCD Regulation IV: Prohibitions; Rule 50: Visible Emissions. Prohibits any activity causing air contaminant emissions darker than 20 percent opacity for more than an aggregate of 3 minutes in any consecutive 60-minute time period. In addition, Rule 50 prohibits any diesel pile-driving hammer activity causing air contaminant emissions for a period or periods aggregating more than four minutes during the driving of a single pile (SDAPCD 1997).

SDAPCD Regulation IV: Prohibitions; Rule 51: Nuisance. Prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or have a tendency to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property (SDAPCD 1976).

SDAPCD Regulation IV: Prohibitions; Rule 55: Fugitive Dust Control. Regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project site (SDAPCD 2009).

SDAPCD Regulation IV: Prohibitions; Rule 67.0.1: Architectural Coatings. Requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce volatile organic compounds (VOC) emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories (SDAPCD 2015).

San Diego County Regional Air Quality Strategy

SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The Regional Air Quality Strategy (RAQS) for the SDAB was initially adopted in 1991 and is updated every 3 years. The RAQS outlines SDAPCD's plans and control measures designed to attain the CAAQS for O_3. The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County and the cities in the County, to forecast future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. The CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the County as part of the development of their general plans (SANDAG 2020, 2021a).

On March 9, 2023, SDAPCD adopted the 2022 RAQS. The RAQS plan demonstrates how the San Diego region will further reduce air pollution emissions to meet state health-based standards for ground-level O_3. The 2022 RAQS guides the SDAPCD in deploying tools, strategies, and resources to continue reducing pollutants that are precursors to ground-level O_3, including NO_x and VOC. The

2022 RAQS emphasizes O_3 control measures but also identifies complementary measures and strategies that can reduce emissions of GHGs and particular matter. It also includes new analyses exploring O_3 and its relationship to public health, mobile sources, under-resourced communities, and GHGs and climate change. Further, the 2022 RAQS identifies strategies to expand SDAPCD regional partnerships, identify more opportunities to engage the public and communities of concern, and integrate environmental justice and equity across all proposed measures and strategies.

City of Encinitas General Plan and Local Coastal Program

The Resource Management Element of the General Plan contains the following goals and policies intended to contribute to ongoing efforts for improving the air quality within the region.

GOAL 5: The City will make every effort to participate in programs to improve air and water quality in the San Diego region. (Public Resources Code § 30231)

POLICY 5.1: The City will monitor and cooperate with the ongoing efforts of the U. S. Environmental Protection Agency, the San Diego Air Pollution Control District, and the State of California Air Resources Board in improving air quality in the regional air basin. The City will implement appropriate strategies from the San Diego County SIP which are consistent with the goals and policies of this plan.

GOAL 13: Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment. (Public Resources Code §§ 30250/30251)

POLICY 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring. (Public Resources Code § 30250)

4.3.3 Thresholds and Methodology

4.3.3.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a significant air quality impact would occur if the project would result in any of the following:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.
- Expose sensitive receptors to substantial pollutant concentrations.
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Criteria Air Pollutants

Appendix G of the CEQA Guidelines indicates that, where available, the significance criteria established by the applicable air quality management district or pollution control district may be relied upon to determine whether the project would have a significant impact on air quality. The City applies the *County of San Diego Screening Level Thresholds* for determining mass daily criteria air pollutant thresholds of significance (County of San Diego 2007). Project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance thresholds in **Table 4.3-2**, *Air Quality Significance Thresholds*, are exceeded. Emissions below the screening-level thresholds would not cause a significant impact. In the event that emissions exceed these thresholds, modeling would be required to demonstrate that the project's total air quality impacts result in ground-level concentrations that are below the CAAQS and NAAQS, including appropriate background levels. For non-attainment pollutants, if emissions exceed the thresholds shown in Table 4.3-2, the project could have the potential to result in a cumulatively considerable net increase in these pollutants and thus could have a significant impact on the ambient air quality.

TABLE 4.3-2
AIR QUALITY SIGNIFICANCE THRESHOLDS

Pollutant	Total Emissions (Pounds per Day)		
Construction Emissions			
Coarse particulate matter (PM_{10})	100		
Fine particulate matter ($PM_{2.5}$)	55		
Oxides of nitrogen (NO_X)	250		
Sulfur oxides (SO_X)	250		
Carbon monoxide (CO)	55		
Volatile organic compounds (VOCs)	75*		
	Pounds per Hour	**Pounds per Day**	**Tons per Year**
Operational Emissions			
Coarse particulate matter (PM_{10})	—	100	15
Fine particulate matter ($PM_{2.5}$)	—	55	10
Oxides of nitrogen (NO_X)	25	250	40
Sulfur oxides (SO_X)	25	250	40
Carbon monoxide (CO)	100	550	100
Lead and lead compounds	—	3.2	0.6
Volatile organic compounds (VOCs)	—	75*	13.7

SOURCE: SDAPCD 2016

* VOC threshold is based on the threshold of significance for VOCs from the South Coast Air Quality Management District for the Coachella Valley as stated in the San Diego County *Guidelines for Determining Significance*.

Carbon Monoxide Hotspots

The City does not have guidance regarding CO hotspots; as such, the County's CO hotspot screening guidance (County of San Diego 2007) was utilized to determine whether the project would require a site-specific hotspot analysis. Per the County's guidance, any project that would place receptors within 500 feet of a signalized intersection operating at or below level of service (LOS) E (peak-hour trips exceeding 3,000 trips) must conduct a "hotspot" analysis for CO. Likewise, projects that would cause road intersections to operate at or below a LOS E (i.e., with intersection peak-hour trips exceeding 3,000) would also have to conduct a CO "hotspot" analysis.

Toxic Air Contaminants

Health effects from carcinogenic air toxics are usually described in terms of cancer risk. The SDAPCD recommends a carcinogenic (cancer) risk threshold of 10 in one million. Additionally, some toxic air contaminants (TACs) increase non-cancer health risk due to long-term (chronic) exposures. The Chronic Hazard Index is the sum of the individual substance chronic hazard indices for all TACs affecting the same target organ system. The SDAPCD recommends a Chronic Hazard Index significance threshold of one.

4.3.3.2 Methodology

Air Emissions Modeling

Criteria pollutant emissions for construction and operation were calculated using the California Emissions Estimator Model (CalEEMod) Version 2022.1. CalEEMod is a computer model used to estimate air emissions resulting from land development projects throughout the state of California. CalEEMod was developed by the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the California air quality management and pollution control districts, primarily the South Coast Air Quality Management District.

Construction Mass Emissions

The construction equipment mix utilized in the construction air quality emissions calculations were based on CalEEMod default assumptions associated with the anticipated number of dwelling units per phase and is meant to represent a conservative estimate of construction activity. For the analysis, it is generally assumed that heavy construction equipment would be operating at the site for a maximum of eight hours per day, five days per week. Trip distance for construction vehicles assumed in the model was a one-way distance of 11.97 miles for worker trips, 7.63 miles for vendor truck trips, and 20 miles for haul truck trips.

The project would have four home building phases and single phases for demolition, site preparation, grading, and paving. The construction schedule used in the analysis represents a "worst-case" analysis scenario since emission factors for construction equipment decrease as the analysis year increases due to improvements in technology and more stringent regulatory requirements. Refer to the project *Air Quality Technical Report* (Appendix B) for more detailed construction emission assumptions.

Operational Emissions

Emissions from project operations would include those from area sources, energy sources and mobile sources. Emissions from these sources were estimated based on CalEEMod default assumptions for operations of the project land uses. The operational emissions calculations assumed the project would be fully operational in 2027. Refer to the project *Air Quality Technical Report* (Appendix B) for more detailed operational emission assumptions.

Construction Health Risk Analysis

A Health Risk Analysis (HRA; refer to the *Air Quality Technical Report* in Appendix B) was performed to assess the impact of construction activities on sensitive receptors proximate to the project site. The HRA for the project is based on the methodologies prescribed in the Office of Environmental Health Hazard Assessment (OEHHA) document, Air Toxics Hot Spots Program Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments (OEHHA Guidelines) (OEHHA 2015). To implement the OEHHA Guidelines based on proposed project information, the SDAPCD has developed a three-tiered approach where each successive tier is progressively more refined, with fewer conservative assumptions. The SDAPCD document, *Supplemental Guidelines for Submission of Air Toxics "Hot Spots" Program Health Risk Assessments* (SDAPCD 2022), provides guidance with which to perform HRAs within the SDAB.

The exhaust from diesel engines is a complex mixture of gases, vapors, and particles, many of which are known human carcinogens. Diesel particulate matter (DPM) has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts. No short-term, acute relative exposure level has been established for DPM; therefore, acute impacts of DPM are not addressed in the project assessment. The HRA for the project evaluated the risk to existing off-site residents from diesel emissions from exhaust from on-site construction equipment and diesel haul and vendor trucks. Refer to the project *Air Quality Technical Report* (Appendix B) for more HRA assumptions and details, including information regarding dispersion modeling.

4.3.4 Impact Analysis

4.3.4.1 Impact 4.3-1: Air Quality Plans

As discussed in Section 4.3.2.3 above, SDAPCD and SANDAG are responsible for developing and implementing the clean air plans for attainment and maintenance of the NAAQS and CAAQS in the SDAB. Growth projections are utilized based on population, vehicle trends, and land use plans. If a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might conflict with the SIP and RAQS and may contribute to a potentially significant cumulative impact on air quality.

SANDAG produces a Regional Growth Forecast, which is important for developing regional plans and strategies mandated by federal and state governments such as the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS), the Program EIR for the RTP/SCS, the Air Quality Management Plan, the Federal Transportation Improvement Program, and the Regional Housing Needs Assessment (RHNA). The most recent RTP/SCS was adopted in December 2021 with a planning horizon through 2050. The growth forecasts are appended to the RTP/SCS. Appendix F of

the 2021 Regional Plan describes the trends in population, housing, and employment. The San Diego region is expected to grow by nearly 437,000 people and the growth in population is expected add about 440,000 jobs and more than 280,000 housing units (SANDAG 2021a). The City is expected to grow by approximately 1,966 people; 1,650 jobs; and 1,941 housing units by 2050.

The project would add 27 residential units with an estimated population of 75 residents. The added residents would represent approximately 4 percent of the anticipated population growth and 1.6 percent of the housing growth in the City contained in the RTP/SCS planning horizon. The increase in population and housing units would be well within the growth projections. Therefore, the project would not conflict with SANDAG's regional growth forecast for the City. The increase in the housing units and associated vehicle source emissions is not anticipated to result in air quality impacts that were not envisioned in the growth projections and RAQS, and the increase in residential units in the region would not obstruct or impede implementation of local air quality plans. Implementation of the project would not result in development in excess of that anticipated in local plans or increases in population/housing growth beyond those contemplated by SANDAG. As such, vehicle trip generation and planned development for the project are anticipated in the SIP and RAQS. Because the proposed land uses and associated vehicle trips are anticipated in local air quality plans, the project would be consistent at a regional level with the underlying growth forecasts in the RAQS. Impacts would be *less than significant*.

4.3.4.2 Impact 4.3-2: Air Quality Standards

Construction

Construction of the project would generate criteria air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, architectural coatings, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM_{10} and $PM_{2.5}$ emissions. Construction emissions can vary substantially day to day, depending on the level of activity, the specific type of construction activity being conducted, and for dust, the prevailing weather conditions. Construction of project components would be subject to SDAPCD Rule 55 – Fugitive Dust Control. Compliance with Rule 55 would limit fugitive dust (PM_{10} and $PM_{2.5}$) that may be generated during grading and construction activities. Standard construction practices that would be employed to reduce fugitive dust emissions include watering of the active portions of the site two times per day (depending on weather conditions) and compliance with SDAPCD Rule 55. Emission calculations assumed the provision of temporary electric power to the project site and the use of electric air compressions during the architectural coating/painting phases. **Table 4.3-3**, *Estimated Maximum Daily Construction Criteria Air Pollutant Emissions*, identifies estimated maximum unmitigated daily construction emissions associated with the construction phases of the project. As shown in Table 4.3-3, maximum daily construction emissions for the project would not exceed the County of San Diego's thresholds. Therefore, project construction would result in *less-than-significant* impacts related to emissions of criteria air pollutants during construction activities.

TABLE 4.3-3
ESTIMATED MAXIMUM DAILY CONSTRUCTION CRITERIA AIR POLLUTANT EMISSIONS

Construction Year	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
	Pounds per Day					
Summer						
2025	3.39	31.95	31.11	0.05	21.23	11.41
2026	0.95	7.96	10.54	0.02	1.09	0.46
2027	6.10	1.90	2.60	<0.01	0.29	0.11
Winter						
2025	2.13	22.19	23.37	0.05	8.91	4.47
2026	5.33	8.01	10.34	0.02	1.09	0.46
2027	6.52	5.73	7.66	0.02	0.88	0.34
Maximum	**6.52**	**31.95**	**31.11**	**0.05**	**21.23**	**11.41**
County threshold	75	250	550	250	100	55
Threshold exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

SOURCE: Dudek 2024a

NOTES: VOC = volatile organic compounds; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter.

See Appendix A of the *Air Quality Technical Report* for complete results.

The values shown are the maximum summer or winter daily emissions results from CalEEMod and include fugitive dust control measures pursuant to SDAPCD Rule 55 requirements.

Operation

Project operation would generate VOC, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ emissions from mobile sources (vehicle trips), area sources (consumer products, landscape maintenance equipment), and energy sources. **Table 4.3-4**, *Estimated Maximum Daily Operational Criteria Air Pollutant Emissions*, presents the unmitigated maximum daily emissions associated with operation of the project in 2027 (following completion of all construction activities). Emission calculations assumed the use of electric fireplaces and all-electric development. As shown in Table 4.3-4, daily operational emissions of the project would not exceed County of San Diego's significance thresholds for any criteria pollutant. Therefore, the project would result in a *less-than-significant* impact associated with emissions of criteria air pollutant emissions during operation of the project.

TABLE 4.3-4
ESTIMATED MAXIMUM DAILY OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS

Source	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
	Pounds per Day					
Summer						
Mobile	1.04	0.71	7.59	0.02	1.67	0.43
Area	1.97	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Total	***3.02***	***0.71***	***7.59***	***0.02***	***1.67***	***0.43***
County threshold	75	250	550	250	100	55
Threshold exceeded?	**No**	**No**	**No**	**No**	**No**	**No**
Winter						
Mobile	1.02	0.78	7.15	0.02	1.67	0.43
Area	1.97	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Total	***3.00***	***0.78***	***7.15***	***0.02***	***1.67***	***0.43***
County threshold	75	250	550	250	100	55
Threshold exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

SOURCE: Dudek 2024a

ABBREVIATIONS: VOC = volatile organic compounds; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter

4.3.4.3 Impact 4.3-3: Sensitive Receptors

Carbon Monoxide Hot Spots

Project-related travel would add to regional trip generation and increase the vehicle miles traveled within the local airshed and the SDAB. Locally, project traffic would be added to the City's roadway system. If such traffic occurs during periods of poor atmospheric ventilation, consists of a large number of vehicles "cold-started" and operating at pollution-inefficient speeds, and operates on roadways already crowded with non-project traffic, there is a potential for the formation of microscale CO "hotspots" in the area immediately around points of congested traffic. Because of continued improvement in mobile emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SDAB is steadily decreasing.

The *Local Transportation Analysis* (LOS Engineering 2024b) prepared for the project determined that the project would not result in any traffic effects relative to LOS under existing, existing plus project, cumulative, and cumulative plus project scenarios. Thus, the potential to cause a CO hotspot is less than significant. Implementation of the project would not result in CO concentrations in excess of the health protective CAAQS or NAAQS, and as such, would not expose sensitive receptors to

significant pollutant concentrations or health effects. Therefore, impacts related to sensitive receptor exposure to substantial CO concentrations would be *less than significant*.

Toxic Air Contaminants

Project impacts may include emissions of pollutants identified by the state and federal government as TACs or HAPs. During construction, the TAC emissions are associated with DPM from heavy equipment operations and heavy-duty trucks. Following completion of construction, project-related TAC emissions would cease. The closest sensitive receptors to the project site are single-family residences immediately adjacent to the western and southern project boundaries. An HRA (refer to the *Air Quality Technical Report* in Appendix B) was performed to analyze the impacts to TACs on the nearest sensitive receptors. Based on the results of the HRA, the maximal individual resident offsite exposure would occur at the single-family residence to the south of the project, located at the corner of Camino El Dorado and Ocean Bluff Way. The HRA analysis demonstrates that TAC exposure from construction diesel exhaust emissions would result in a cancer risk of 20.12 in one million, which exceeds the SDAPCD recommended carcinogenic (cancer) risk threshold of 10 in one million and Chronic Hazard Index less than one (Dudek 2024a, refer to Table 12, *Construction Activity Health Risk Assessment Results Prior to Mitigation*, and Appendix B of the *Air Quality Technical Report*). Therefore, TAC emissions from construction of the project would result in a *potentially significant* impact and mitigation would be required. Emissions levels at the nearest schools would not exceed the ten in one million cancer risk threshold nor the Chronic Hazard Index threshold of one.

Criteria Air Pollutants

As discussed in Impact 4.3-2, the construction and operation of the project would not result in emissions that exceed SDAPCD's emission thresholds for any criteria air pollutants. The SDAPCD thresholds are based on the SDAB complying with the NAAQS and CAAQS which are protective of public health; therefore, the project would not result in significant impacts to nearby sensitive receptors in regard to criteria air pollutants and no adverse effects to human health would result from the project. Impacts from criteria pollutant emissions would be *less than significant*.

4.3.4.4 Impact 4.3-4: Other Emissions and Odors

During construction activities, emissions from construction equipment, such as diesel exhaust and VOCs from architectural coatings and paving activities may generate odors; however, these odors are temporary, intermittent, and not expected to affect a substantial number of people. Construction emission odors are typically confined to the immediate vicinity of the construction equipment or activity generating the odor. Additionally, short-term construction-related odors would cease upon completion of the activity generating the odor.

Long-term operation of the project would not create objectionable odors or other emissions not already accounted for in the impact analysis above. The project is a single-family residential development and does not include uses typically associated with the creation of objectionable odors, such as agricultural uses, wastewater treatment plants, chemical plants, composting activities, refineries, landfills, dairies, fiber-glass molding facilities, or other odor-producing uses. Therefore, impacts associated with other emissions and odors as a result of project construction and operation would be *less than significant*.

4.3.5 Level of Significance before Mitigation

4.3.5.1 Air Quality Plans

The project would not conflict with or obstruct implementation of the applicable air quality plan and would result in *less-than-significant* impacts.

4.3.5.2 Air Quality Standards

The project would result in *less-than-significant* impacts associated with cumulatively considerable net increases of any criteria pollutants for which the project region is in non-attainment.

4.3.5.3 Sensitive Receptors

The project would result in the exposure of sensitive receptors to TAC from construction diesel exhaust emissions in excess of SDAPCD's threshold, resulting in a *potentially significant* impact. The project would result in *less-than-significant* impacts associated with the exposure of sensitive receptors to carbon monoxide hot spots and criteria air pollutants.

4.3.5.4 Other Emissions and Odors

The project would result in *less-than-significant* impacts associated with odors and other emissions.

4.3.6 Mitigation Measures

4.3.6.1 Air Quality Plans

No mitigation measures are required with regards to applicable air quality plans.

4.3.6.2 Air Quality Standards

No mitigation measures are required with regards to cumulatively considerable net increases of any criteria pollutants for which the project region is in non-attainment. Impacts associated with criteria pollutants generated during project construction and operation would be less than significant.

4.3.6.3 Sensitive Receptors

The following mitigation measure shall be implemented by the project to minimize impacts to sensitive receptors during construction:

> **Mitigation Measure AQ-1: Tier 4 Interim Construction Equipment.** Prior to the commencement of construction activities for the project, the applicant shall require its construction contractor to use California Air Resources Board (CARB)-certified Tier 4 Interim engines for all diesel-powered equipment pieces that are 25 horsepower or greater through all phases of construction. In the event of changed circumstances (e.g., changes in availability of specific types of construction equipment), the applicant may submit a request to the City of Encinitas Development Services Planning Division to apply an equivalent method for

achieving project-generated construction emissions that fall below the numeric cancer risk standards established by the San Diego Air Pollution Control District (SDAPCD). Documentation using industry-standard emission estimation methodologies shall be furnished to the City of Encinitas Development Services Planning Division demonstrating that estimated project-generated construction emissions would not exceed the applicable SDAPCD cancer risk threshold with alternate construction method(s). If the documentation demonstrates the project-generated construction emissions will remain below the applicable SDAPCD cancer risk threshold, then the City of Encinitas Development Services Director may approve the alternate construction method(s), at the Director's discretion. Required construction equipment fleet and methodologies approved by the City of Encinitas shall be included in the contract specifications for the applicant's construction contractor.

4.3.6.4 Other Emissions and Odors

No mitigation measures are required for impacts associated with other emissions and odors.

4.3.7 Level of Significance after Mitigation

4.3.7.1 Air Quality Plans

No mitigation measures are required to reduce impacts associated with the applicable air quality plan. Impacts would be *less than significant*.

4.3.7.2 Air Quality Standards

No mitigation measures are required to reduce impacts associated with cumulatively considerable net increases of any criteria pollutants for which the project region is in non-attainment. Impacts associated with criteria pollutants generated during project construction and operation would be *less than significant*.

4.3.7.3 Sensitive Receptors

With implementation of Mitigation Measure AQ-1, TAC exposure from construction diesel exhaust emissions would be reduced to 5.01 in one million and would not result in a cancer risk above the 10 in one million threshold and Chronic Hazard Index less than 1 (Dudek 2024a; refer to Table 13, *Construction Activity Health Risk Assessment Results with Mitigation*, and Appendix B of the *Air Quality Technical Report*). Potentially significant impacts to sensitive receptors would be *less-than-significant* with mitigation incorporated.

4.3.7.4 Other Emissions and Odors

No mitigation measures are required to reduce impacts associated with other emissions and odors. Impacts would be *less than significant*.

4.4 Biological Resources

This section addresses potential biological resources impacts that would result from the project. The analysis in this section is based on the *Biological Technical Report* prepared by Dudek (Dudek 2024b). A copy of the report is included in **Appendix C**, *Biological Technical Report*.

4.4.1 Existing Conditions

4.4.1.1 Vegetation Communities and Land Cover Types

Five vegetation communities and land cover types were mapped on the project site, consisting of three native vegetation communities and two non-native vegetation communities/land cover types (**Table 4.4-1**, *Vegetation Communities and Land Cover Types on the Project Site*). No wetland vegetation communities were recorded on the project site. Vegetation communities observed on site include Diegan coastal sage scrub, coastal sage–chaparral transition, southern maritime chaparral, disturbed habitat, and urban/developed land (**Figure 4.4-1**, *Biological Resources*).

TABLE 4.4-1
VEGETATION COMMUNITIES AND LAND COVER TYPES ON PROJECT SITE

Vegetation Community/Land Cover Type	Project Site	Project Study Area[a]
Native Vegetation Communities		
Diegan coastal sage scrub	1.38	1.60
Coastal sage–chaparral transition	0.25	1.07
Southern maritime chaparral	0.6	0.85
Subtotal	*2.23*	*3.53*
Non-Native Vegetation Communities and Land Covers		
Disturbed habitat	4.58	5.24
Urban/Developed land	0.38	4.45
Subtotal	*4.96*	*9.49*
Total	***7.19***	***13.02***

SOURCE: Dudek 2024b

a. The project study area includes the project site and a surrounding 100-foot buffer.

Source: Dudek 2024

Figure 4.4-1

BARANEK Consulting Group

0 75 150 Feet

Biological Resources

OCEAN BLUFF RESIDENTIAL EIR

Diegan Coastal Sage Scrub

Diegan coastal sage scrub is a native vegetation community that is composed of a variety of soft, low, aromatic shrubs, characteristically dominated by drought-deciduous species—such as coastal sagebrush (*Artemisia californica*), California buckwheat, and sages (*Salvia* spp.)—with scattered evergreen shrubs, including lemonade berry (*Rhus integrifolia*) and laurel sumac (*Malosma laurina*). Diegan coastal sage scrub occurs on the northern portion of the project site, almost entirely on sloped lands which lead down towards Encinitas Boulevard and is generally dominated by California sagebrush and California buckwheat with scattered lemonade berry and laurel sumac. This vegetation community is considered sensitive according to the Draft Subarea Plan (Ogden and CBI 2001; refer to Section 4.4.2.3 for information regarding the Draft Subarea Plan).

Coastal Sage-Chaparral Transition

Coastal sage–chaparral transition is a habitat type composed of a mixture of coastal sage scrub and chaparral species occurring in the transition zone between coastal sage scrub and chaparral. Coastal sage–chaparral transition in the study area consists of chamise, laurel sumac, and Nuttall's scrub oak. Coastal sage–chaparral transition is present in the eastern portion of the study area, with some occurring within the project site boundary and some occurring outside of the project site, adjacent to the east. This vegetation community is considered sensitive according to the Draft Subarea Plan (Ogden and CBI 2001).

Southern Maritime Chaparral (Including Disturbed)

Southern maritime chaparral is a low and fairly open community dominated by wart-stemmed ceanothus (*Ceanothus verrucosus*) and Del Mar manzanita (*Arctostaphylo glandulosa* spp. *crassifolia*). It develops primarily on weathered stands in the coastal fog belt. Fire may be necessary for long-term persistence of characteristic species. Characteristic species associated with stands of this chaparral community include chamise (*Adenostoma fasciculatum*), Del Mar manzanita, Encinitas baccharis (*Baccharis vanessae*), wart-stemmed ceanothus, coast spice bush (*Cneoridium dumosum*), summer-holly (*Comarostaphylis diversifolia*), San Diego sea-dahlia (*Leptosyne maritima*), Del Mar Mesa sand aster (*Corethrogyne filaginifolia* var. *linifolia*), western dichondra (*Dichondra occidentalis*), toyon (*Heteromeles arbutifolia*), Torrey pine (*Pinus torreyana*), Nuttall's scrub oak (*Quercus dumosa*), laurel sumac (*Malosma laurina*), sugar bush (Rhus ovata), fragrant sage (*Salvia clevelandii*), mission manzanita (*Xylococcus bicolor*), and Mohave yucca (*Yucca schidigera*).

Southern maritime chaparral is present in the northwest corner of the project site and is dominated by a combination of chamise and California buckwheat with an understory composed of a variety of native and non-native annuals; erosion is occurring at the margins of this community where off-road vehicle use has destroyed native vegetation. This vegetation community is considered sensitive according to the Draft Subarea Plan (Ogden and CBI 2001).

Disturbed Habitat

Disturbed lands are areas which have been subject to extensive physical anthropogenic disturbance and as a result cannot be identified as a native or naturalized vegetation association. However, these areas typically still have a recognizable soil substrate. The existing vegetation is typically composed of non-native ornamental or exotic species. The majority of the project site is disturbed habitat

scattered with species such as hottentot-fig, crown daisy (*Glebionis coronaria*), and mustard (*Hirschfeldia incana*) and much of the disturbed habitat consists of relatively flat lands occurring in the location of the former nursery. This vegetation community is not considered sensitive according to the Draft Subarea Plan (Ogden and CBI 2001).

Urban/Developed Land

Urban/developed land represents areas that have been constructed upon or otherwise physically altered to an extent that native vegetation communities are not supported. This land cover type generally consists of semi-permanent structures, homes, parking lots, pavement or hardscape, and landscaped areas that require maintenance and irrigation (e.g., ornamental greenbelts). Typically, this land cover type is unvegetated or supports a variety of ornamental plants and landscaping. Developed areas do not support native vegetation. Within the project site, urban/developed lands include a small area of existing concrete driveway. The remaining urban/developed lands occur off site, within the 100-foot buffer of the project site (to the north, east, and south). This vegetation community is not considered sensitive according to the Draft Subarea Plan (Ogden and CBI 2001).

4.4.1.2 Special-Status Plants

Plant species are considered special status if they have been listed or proposed for listing by the federal or state government as rare, endangered, or threatened (listed species); have a California Rare Plant Rank (CRPR) of 1–4; and/or are listed as a Multiple Habitat Conservation Program (MHCP)-covered species. Of the sixty-five special-status plant species analyzed for the project, ten species were determined to have a moderate potential to occur in the study area; these species are described in further detail in Appendix C of the Biological Resources Technical Report (Appendix C of this EIR). The rest were determined to have low or no potential to occur at the study area. Focused rare plant surveys in May and July 2023 captured most perennial and annual plant species that occur within the study area. Two special-status plant species were directly observed in the study area during focused rare plant surveys in 2023 (Figure 4.4-1). Wart-stemmed ceanothus was observed off-site to the west of the project site within the 100-foot buffer area. Mesa spike-moss was observed in the northern portion of the project site and the 100-foot buffer area. The Mesa spike-moss within the project site is located on the northern slope of the project site, outside of the project disturbance footprint.

4.4.1.3 Special-Status Wildlife

Special-status wildlife species are those listed as federal or state endangered or threatened, proposed for listing, fully protected by California Department of Fish and Wildlife (CDFW), on the California watch list, California Species of Special Concern, or MHCP covered species. Special-status wildlife species determined to have moderate potential to occur within the study area include Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Bell's sage sparrow (*Artemisiospiza belli belli*), orange-throated whiptail (*Aspidoscelis hyperythra*), and red diamondback rattlesnake (*Crotalus ruber*). These species are described in further detail in Appendix D of the Biological Resources Technical Report (Appendix C of this EIR). Cooper's hawk (*Accipiter cooperii*), a sensitive wildlife species covered by the Draft Subarea Plan (Ogden and CBI 2001), was directly observed foraging on-site during project surveys. Cooper's hawks nest and forage in dense stands of live oak, riparian woodlands, or other woodland habitats often near water. Though nesting

opportunity is limited at the project site, the species has a high potential to use the study area in the future as a transient forager. Coastal California gnatcatcher (*Polioptila californica californica*) individuals were detected within the study area during focused protocol surveys in 2023. Additionally, while potential for Crotch's bumble (*Bombus crotchii*) to occur within the project site and 100-foot buffer is low due to a lack of suitable burrows, soil compaction, and an absence of records of the species in the vicinity, CDFW has indicated that Crotch's bumble bee may occur in the native habitat on or adjacent to the project site.

4.4.1.4 Wildlife Corridors and Habitat Linkages

Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the immigration and emigration of animals. Wildlife corridors contribute to population viability by (1) ensuring the continual exchange of genes between populations, which helps maintain genetic diversity; (2) providing access to adjacent habitat areas, representing additional territory for foraging and mating; (3) allowing for greater carrying capacity; and (4) providing routes for colonization of habitat lands following local population extinctions or habitat recovery from ecological catastrophes (e.g., fires). Habitat linkages are patches of native habitat that function to join two larger patches of habitat. They serve as connections between habitat patches and help reduce the adverse effects of habitat fragmentation, representing a potential route for gene flow and long-term dispersal. Habitat linkages may serve both as habitat and as avenues of gene flow for small animals such as reptiles and amphibians. Habitat linkages may be represented by continuous patches of habitat or by nearby habitat "islands" that function as steppingstones for dispersal.

The project site and 100-foot buffer contain patches of southern maritime chaparral and coastal sage scrub that have potential to provide refuge, cover, and foraging opportunities for mobile wildlife species that may be moving thorough the area. Given the residential and commercial development surrounding the project site, it is likely that birds would be the primary wildlife group that would utilize the site for this purpose. Evidence of coastal California gnatcatchers using the site was identified during the focused protocol survey.

4.4.1.5 Jurisdictional Areas

A single, manmade concrete drainage feature occurs along a section of the property boundary's northern edge, likely a remaining feature of the nursery facility. It connects to another manmade drainage feature (corrugated metal and pipe) below it on the slope leading down to Encinitas Boulevard, outside the project site boundary. No other drainage features or aquatic resources occur within the project site. No wetland vegetation or indicators of wetland hydrology were found during on-site surveys; no wetland waters are mapped in the study area; and no streams, ponds, or other naturally occurring non-wetland waters were recorded. As such, there are no potential jurisdictional areas within the project site and the adjacent 100-foot buffer.

4.4.2 Regulatory Framework

4.4.2.1 Federal

Federal Endangered Species Act

The federal Endangered Species Act (ESA) provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a "take" under the ESA. Take of a federally listed threatened or endangered species is prohibited without a special permit. The ESA allows for take of a threatened or endangered species incidental to development activities once a habitat conservation plan has been prepared to the satisfaction of the U.S. Fish and Wildlife Service (USFWS) and an incidental take permit has been issued. The ESA also allows for the take of threatened or endangered species after consultation has deemed that development activities will not jeopardize the continued existence of the species. The federal ESA also provides for a Section 7 consultation when a federal permit is required, such as a Clean Water Act (CWA) Section 404 permit.

Clean Water Act

Federal wetland regulation (non-marine issues) is guided by the Rivers and Harbors Act of 1899 and the CWA. The Rivers and Harbors Act deals primarily with discharges into navigable waters, while the purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all water of the U.S. Permitting for projects filling water of the U.S., including wetlands and vernal pools, is overseen by United States Army Corps of Engineers (USACE) under Section 404 of the CWA. Projects may be permitted on an individual basis or may be covered under one of several approved Nationwide Permits. Individual Permits are assessed individually based on the type of action, amount of fill, etc. Individual Permits typically require substantial time (often longer than six months) to review and approve, while Nationwide Permits are pre-approved if a project meets the appropriate conditions. A CWA Section 401 Water Quality Certification, which is administered by the State Water Resources Control Board, must be issued prior to any 404 Permit.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S. Code Sections 703–711) includes provisions for protection of migratory birds, including the non-permitted take of migratory birds. The MBTA regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50 Code of Federal Regulations Section 10.13. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many others. Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a "take." The MBTA is an international treaty for the conservation and management of bird species that migrate through more than one country and is enforced in the United States by the USFWS. The MBTA was amended in 1972 to include protection for migratory birds of prey (raptors). Avian species protected by the MBTA are present on the project site. As a general/standard condition, the project must comply with the MBTA.

4.4.2.2 State

California Endangered Species Act

The California Endangered Species Act (CESA) provides protection and prohibits the take of plant, fish, and wildlife species listed by the State of California. Unlike the federal ESA, state listed plants have the same degree of protection as wildlife, but insects and other invertebrates may not be listed. Take is defined similarly to the federal ESA and is prohibited for both listed and candidate species. Take authorization may be obtained from CDFW under CESA Sections 2091 and 2081. Section 2091, like federal ESA Section 7, provides for consultation between a state lead agency under CEQA and CDFW, with issuance of take authorization if the project does not jeopardize the listed species. Section 2081 allows take of a listed species for educational, scientific, or management purposes. In this case, private developers consult with CDFW to develop a set of measures and standards for managing the listed species including full mitigation for impacts, funding of implementation, and monitoring of mitigation measures.

California Fish and Game Code

California Fish and Game Code Sections 3511, 4700, 5050, and 5515 outline protection for "fully protected" species (i.e., Fully Protected species refer to all vertebrate and invertebrate taxa of concern to the Natural Diversity Database (CNDDB) regardless of legal or protection status species of mammals, birds, reptiles, amphibians, and fish). These species may not be taken or possessed without a permit from the Fish and Game Commission and/or CDFW. Species that are fully protected by these sections may not be taken or possessed at any time. CDFW cannot issue permits or licenses that authorize the "take" of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock. Furthermore, it is the responsibility of the CDFW to maintain viable populations of all native species. To that end, the CDFW has designated certain vertebrate species as Species of Special Concern because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.

Pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS.

Native Plant Protection Act (NPPA)

The Native Plant Protection Act (NPPA) of 1977 directed the CDFW to carry out the Legislature's intent to "preserve, protect, and enhance rare and endangered plants in this State." The NPPA gave the California Fish and Wildlife Commission the power to designate native plants as "endangered" or

"rare" and protect endangered and rare plants from take. The California ESA of 1984 expanded on the original NPPA and enhanced legal protection for plants, but the NPPA remains part of the California Fish and Game Code. To align with federal regulations, the California ESA created the categories of "threatened" and "endangered" species. It converted all "rare" animals into the ESA as threatened species but did not do so for rare plants. Thus, there are three listing categories for plants in California: rare, threatened, and endangered. Because rare plants are not included in the California ESA, mitigation measures for impacts to rare plants are specified in a formal agreement between CDFW and the project proponent.

4.4.2.3 Local

California Coastal Commission and Local Coastal Program

Under the California Coastal Act (CCA), the California Coastal Commission (CCC) regulates the coastal zone and requires a coastal development permit for almost all development within this zone. The CCA also directs each coastal city or county to prepare a Local Coastal Program (LCP) to guide development in the coastal zone, which is certified by CCC (Public Resources Code Section 30500). After an LCP has been approved, the permitting authority of CCC is transferred to the local government. The General Plan is an approved LCP, and the proposed project is located within the boundaries of the coastal zone (refer to Figure 3-2, in Chapter 3, *Project Description*).

The CCA also protects designated sensitive coastal areas by providing additional review and approvals for proposed actions in these areas. Further, Section 30240 of the CCA includes policy for the protection of Environmentally Sensitive Habitat Areas (ESHAs). Section 30107.5 of the CCA defines ESHA as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities." The City of Encinitas (City) contains lands within the Coastal Zone that may be considered ESHA by the CCC; however, some areas of sensitive vegetation communities may not meet the definition of ESHA based on a variety of factors, including small size, lack of connectivity to other habitats, lack of sensitive species, high percentage of non-native plant species, existing disturbances, or combination thereof. CCC asserts jurisdiction over ESHA not necessarily regulated by other agencies pursuant to the CCA. The General Plan Resource Management Element and Draft Subarea Plan contains policies that are intended to protect ESHA within the Coastal Zone, as discussed below.

Multiple Habitat Conservation Program

MHCP is a comprehensive, multiple jurisdictional planning program designed to develop an ecosystem preserve in San Diego County. Implementation of the regional preserve system is intended to protect viable populations of key sensitive plant and animal species and their habitats, while accommodating continued economic development and quality of life for residents of the North County region. The MHCP Subregional Plan and Final Environmental Impact Statement/Environmental Impact Report for the North County MHCP (USFWS and SANDAG 2003) were adopted by the San Diego Association of Governments on March 28, 2003. The North County MHCP includes six incorporated cities in northwestern San Diego County: Carlsbad, Encinitas, Escondido, San Marcos, Solana Beach, and Vista. These jurisdictions implement their respective portions of the MHCP through "subarea" plans, which describe the specific implementing

mechanisms each city would institute. The goal of the MHCP is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46 percent) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species.

City of Encinitas Draft Subarea Plan

The City is within the MHCP planning area, and the City's Draft Subarea Plan was prepared in June 2001. It should be noted that the Subarea Plan has not been adopted by the City. The Draft Subarea Plan provides regulatory certainty to landowners in the City and aid in conserving the region's biodiversity and enhancing the quality of life. The Draft Subarea Plan addresses the potential impacts to natural habitats and rare, threatened, or endangered species caused by projects in the City. The Draft Subarea Plan also forms the basis for Implementing Agreements, which would be the legally binding agreements between the City and the wildlife agencies that ensure implementation of the plan and provide the City with state and federal "take authority." Once adopted, this Draft Subarea Plan will result in issuance of federal and state authorizations for the "take" of listed rare, threatened, or endangered species. These authorizations will be granted to the City by the USFWS and the CDFW, collectively referred to as the wildlife agencies. The City, in turn, may then authorize the taking of natural habitats or associated species by public or private projects within its jurisdiction as long as those biological resources are adequately conserved by, and the projects are consistent with and covered by, the provisions of the Draft Subarea Plan.

In the Draft Subarea Plan, lands identified for conservation are designated as hardline or softline Focused Planning Areas (FPAs). Hardline FPAs include lands with existing development agreements that identify designated development and biological preserve areas. Softline FPAs include lands where conservation will be achieved through the application of development and conservation standards and criteria as outlined in the Draft Subarea Plan. The project site is not located within hardline or softline FPAs.

City of Encinitas General Plan

The Resource Management Element of the General Plan contains the following goals and policies intended to contribute to ongoing efforts for protecting and conserving biological resources within the region.

> GOAL 3: The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area. (Public Resources Code § 30240)
>
> > POLICY 3.1: Mature trees of community significance cannot be removed without City authorization.
> >
> > POLICY 3.2: Mature trees shall not be removed or disturbed to provide public right-of- way improvements if such improvements can be deferred, redesigned, or eliminated. This policy is not meant to conflict with the establishment of riding/hiking trails and other natural resource paths for the public good, or with the preservation of views.
> >
> > POLICY 3.6: Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects.

GOAL 9: The City will encourage the abundant use of natural and drought tolerant landscaping in new development and preserve natural vegetation, as much as possible, in undeveloped areas. (Public Resources Code §§ 30240, 30251)

POLICY 9.6: Require landscaping in the design of new residential, commercial, and industrial areas and buildings as detailed in the City Zoning Code regulations. (Public Resources Code §§ 30251, 30253)

POLICY 9.8: Brush clearing and grading for agricultural, construction and purposes shall be subject to City review. (Public Resources Code § 30240)

GOAL 10: The City will preserve the integrity, function, productivity, and long-term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats. (Public Resources Code §§ 30230, 30231, 30240)

POLICY 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25 percent grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible. Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2. Brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance. (Public Resources Code §§ 30240, 30250, 30251, 30253)

POLICY 10.5: The City will control development design on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by including all parcels containing concentrations of these habitats within the Special Study Overlay designation. The following guidelines will be used to evaluate projects for approval:

- Conservation of as much existing contiguous area of coastal mixed chaparral or coastal sage scrub as feasible while protecting the remaining areas from highly impacting uses;
- Minimize fragmentation or separation of existing contiguous natural areas;
- Connection of existing natural areas with each other or other open space areas adjacent to maintain local wildlife movement corridors;
- Maintenance of the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat;
- Where appropriate, based on community character and design, clustering of residential or other uses near the edges of the natural areas rather than dispersing such uses within the natural areas;
- Where significant, yet isolated habitat areas exist, development shall be designed to preserve and protect them;
- Conservation of the widest variety of physical and vegetational conditions on site to maintain the highest habitat diversity;

- Design of development, with adjacent uses given consideration, to maximize conformance to these guidelines; and
- Preservation of rare and endangered species on site rather than by transplantation off site. (Public Resources Code §§ 30240, 30250)

In addition, all new development shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning (NCCP) Act. Compliance with these goals and requirements shall be implemented in consultation with the USFWS and CDFW.

GOAL 13: Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment. (Public Resources Code §§ 30250, 30251)

POLICY 13.5: The City shall promote and require the conservation and preservation of natural resources and features of the area in their natural state and avoid the creation of a totally urbanized landscape. Encourage the planting of trees and other vegetation, especially native species, to enhance the environment. (Public Resources Code §§ 30240, 30251)

POLICY 13.6: Establish and preserve wildlife corridors. (Public Resources Code 30231, 30240)

City of Encinitas Urban Forest Management Program

The City recognizes that its urban forest is an integral part of the City infrastructure. Properly planned and managed, the urban forest provides ecological, social, and economic benefits including improved air and water quality, reduced erosion and water runoff; energy conservation; improved health; enhanced livability; traffic calming; noise reduction, increased property values, as well as habitats for animals (City of Encinitas 2009). The Urban Forest Management Policy and the City's Municipal Tree Ordinance (EMC Chapter 15.02; refer to discussion of EMC below) are the City's primary regulatory tools to provide for orderly protection of trees; to promote the health, safety, welfare, and quality of life for the residents of the City; to protect property values; and to avoid significant negative impacts on adjacent properties.

Encinitas Municipal Code

EMC Chapter 15.02, *Municipal Tree Ordinance*, is intended to supplement the City's Policies and Administrative Procedures as outlined in the City's Urban Forestry Management Program. The Municipal Tree Ordinance affords additional protections to Heritage Trees, the removal of which requires a public hearing before the Planning Commission. A "Heritage Tree" is defined as a tree of community significance located in the City on public or private property that has been designated by the City as one of the following: one of the oldest and largest of its species; is of unique form or species; has historic significance due to an association with an historic building, site, street, person or event; or is a defining landmark or significant outstanding feature of a neighborhood. The designation of a Heritage Tree on private property requires the written consent of the private property owner in a form deemed sufficient by the City Attorney. There are no Heritage Trees present on the project site.

4.4.3 Thresholds and Methodology

4.4.3.1 Thresholds of Significance

As defined in CEQA Guidelines Appendix G, project impacts on biological resources would be considered significant if the project would:

- Have a substantial adverse effect, either directly or through habitat modification on any species identified as a candidate, sensitive, or special-status species is local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.4.3.2 Methodology

The analysis of potential impacts to biological resources is based on the *Biological Technical Report* prepared for the project (Dudek 2024b), which is included as Appendix C of this EIR. Project evaluation included a review of project plans; a literature review of biological resources with potential to occur on the site and in the project vicinity; a general biological survey, including vegetation mapping and a general habitat assessment (conducted in March 2023); focused surveys for special-status species, including the coastal California gnatcatcher (conducted from March through May 2023) and rare plant species (conducted in May 2023 and July 2023); and an assessment of potential jurisdictional aquatic resources that could fall under the jurisdiction of the USACE, RWQCB, or CDFW.

Regulatory databases were reviewed to identify the potential for listed, sensitive, or noteworthy species to occur on the site, which was based upon known ranges and habitat preferences for the species, and species occurrence records from the CNDDB, USFWS, and other sites in the vicinity of the biological survey area.

4.4.4 Impact Analysis

4.4.4.1 Impact 4.4-1: Candidate, Sensitive, or Special-Status Species

Direct Impacts

Two special-status plants were detected within the project site and 100-foot buffer area: wart-stemmed ceanothus and Mesa spike-moss. Wart-stemmed ceanothus was observed off-site to the west of the project site within the 100-foot buffer area. Mesa spike-moss was observed in the northern portion of the project site and the 100-foot buffer area. The Mesa spike moss within the project site is located on the northern slope of the project site, outside of the project disturbance footprint. The project includes the installation of vinyl fencing around the perimeter of the developed project area, which would limit human presence to the boundaries of the development. Further, all undisturbed on-site slopes over 25 percent grade (which includes the portions of the project site where Mesa spike-moss occur) would be conserved as a condition of the approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such slopes. As both special-status plants are outside of the proposed construction area and limits of disturbance for the project, and the project incorporates protective fencing and conservation of the steep slopes area of the project site, no direct impact to special-status plant species would occur.

Implementation of the project would result in potentially significant direct impacts to Cooper's hawk and Coastal California gnatcatcher, both of which are identified as occurring within the project site and 100-foot buffer area. Additionally, while potential for Crotch's bumble to occur within the study area is low due to a lack of suitable burrows, soil compaction, and an absence of records of the species in the vicinity, if Crotch's bumble bees are using burrows on the project site for nesting, potentially significant direct impacts could result from ground-disturbing activities, which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. The project would result in potentially significant impacts to other special-status wildlife species identified as having moderate potential to occur within the project site and 100-foot buffer, including Southern California rufous-crowned sparrow, Bell's sage sparrow, orange-throated whiptail, and red diamondback rattlesnake. Direct impacts have the potential to result from loss of habitat and/or potential mortality during construction; however, the project construction footprint does not include areas containing suitable habitat – construction would only occur within disturbed and urban/developed land. As such, direct impacts to special-status wildlife associated with the project would be limited to impacts associated with mortality during construction. This is a *potentially significant* impact.

In addition to the special-status wildlife species discussed above, migratory birds are protected under the MBTA and all nesting birds, including raptors, are afforded protection under California Fish and Game Code Sections 3503 and 3503.5. Direct impacts to active nests protected by California Fish and Game Code would be *potentially significant*.

Indirect Impacts

Three native vegetation communities were mapped adjacent or near the proposed construction footprint: Diegan coastal sage scrub, coastal sage-chaparral transition, and southern maritime chaparral. Dust, erosion, invasive plant species, and increased human presence would have the

potential to result in indirect impacts to these native vegetation communities. These indirect impacts to special-status plants occupying adjacent sensitive habitats outside of the project impact footprint would be *potentially significant*.

Most of the indirect impacts identified for special-status plants can also affect special-status wildlife. Wildlife may also be indirectly affected by short-term construction related noise, which can disrupt normal activities and subject wildlife to higher predation risks. Adverse edge effects can cause degradation of habitat quality through the invasion of pest species. Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities. The project site and 100-foot buffer area support suitable vegetation for bird nesting, including trees and shrubs associated with mixed chaparral and coastal sage scrub vegetation. Indirect impacts to special-status wildlife species from construction-related noise would be a *potentially significant* impact.

4.4.4.2 Impact 4.4-2: Riparian Habitat or Other Sensitive Natural Community

The project would not result in direct permanent impacts to native or sensitive vegetation communities, which may be characterized as ESHA by the CCC. Project impacts would be limited to non-native vegetation communities and land covers, including disturbed habitat and developed land (**Figure 4.4-2**, *Biological Resources Impacts*). The project would result in direct impacts to 4.34 acres of disturbed habitat, and 0.15 acres of urban/developed land cover. Impacts would occur from clearing, grading, and/or manufactured slope creation for development of the project and associated infrastructure. No native or sensitive vegetation communities (including those associated with ESHA) would be impacted as they occur outside of the project construction footprint. Impacts to non-native vegetation and land covers would be *less than significant*.

4.4.4.3 Impact 4.4-3: Wetlands

No jurisdictional aquatic resources are present on the project site and surrounding 100-foot buffer. As such, the project would not result in any direct or indirect impacts to aquatic resources under the jurisdiction of the USACE, RWQCB, CDFW and/or the City. *No impact* would occur.

4.4.4.4 Impact 4.4-4: Wildlife Corridors

The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or within an established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. The project site is not within an existing recognized habitat corridor and is largely surrounded by urban development. However, portions of the project site outside of the project disturbance footprint and within the 100-foot buffer of the project site contain patches of southern maritime chaparral and coastal sage scrub have potential to provide refuge, cover, and foraging opportunities for mobile wildlife species that may be moving thorough the area. Given the residential and commercial development surrounding the project site, it is likely that birds would be the primary wildlife group that would utilize the site. Thus, construction activities would result in a *potentially significant* impact associated with the movement of birds. The operation of the project would not result in substantial, permanent impacts on wildlife movement, wildlife corridors, or wildlife nursery sites. There are no known migratory fish species that would be impacted by the project.

Source: Dudek 2024

Figure 4.4-2

BARANEK Consulting Group

0 75 150 Feet

Biological Resources Impacts

OCEAN BLUFF RESIDENTIAL EIR

4.4.4.5 Impact 4.4-5: Local Policies or Ordinances Protecting Biological Resources

Implementation of the project would not conflict with the Resource Management Element of the General Plan. The goals and policies of the Resource Management Element are aimed at preserving, protecting, and managing natural resources such as mature trees, sensitive habitats, and wildlife corridors. The project does not propose removal of heritage trees protected by the City's Municipal Tree Ordinance and identified in General Plan Resource Management Element policies 3.1, 3.2, and 3.6. Landscaping for the project would comply with City requirements identified in the City's Zoning Code Regulations, including the use of drought tolerant landscaping and preserving the sensitive vegetation that is on the project site, consistent with the requirements of General Plan Resource Element Policy 9.6. Vegetation removal would be subject to City review and would occur consistent with City requirements, as identified in General Plan Resource Element Policy 9.8. The project would preserve all native vegetation on natural slopes, consistent with the requirements of the Hillside/Inland Bluff Overlay and as identified in General Plan Policy 10.1. The native vegetation on the slopes would be conserved as a condition of that approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such resources. Additionally, the project includes the installation of vinyl fencing around the perimeter of the developed project area to limit human intrusion into native vegetation preventing indirect effects on the adjacent resources. Refer to further discussion of the project's consistency with General Plan goals and policies in Section 4.6, *Land Use and Planning*. *No impact* would occur as the project would not result in conflicts with local policies or ordinances protecting biological resources.

4.4.4.6 Impact 4.4-6: Adopted Habitat Conservation Plans

The project site is located within the boundaries of the Draft Subarea Plan. The project site is located within an urbanized area where surrounding lands are largely built out and is outside of any areas proposed for habitat or species conservation. No direct impacts to any sensitive vegetation communities or aquatic resources would occur as a result of the project. As such, no compensatory mitigation for the loss is required by the Draft Subarea Plan. The study area is not located within any hardline or softline FPAs managed by the City; no portions of the project would result in direct or indirect impacts to any FPA. Therefore, the project would not conflict with the goals and objectives of the Draft Subarea Plan. A land use adjacency analysis is not required as the project is not located within or adjacent to preserve areas, and the project would not conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved local, regional, or state habitat conservation plans. *No impact* would occur.

4.4.5 Level of Significance before Mitigation

4.4.5.1 Candidate, Sensitive, or Special-Status Species

There would be no direct impacts to special-status plant species as a result of project implementation. The project would result in *potentially significant* direct impacts to special-status wildlife species and active bird nests, and *potentially significant* indirect impacts to special-status plant and wildlife species.

4.4.5.2 Riparian Habitat or Other Sensitive Natural Community

Impacts to vegetation communities and land covers would be *less than significant*, as there would be no impacts to sensitive vegetation communities.

4.4.5.3 Wetlands

No impacts to jurisdictional aquatic resources would occur.

4.4.5.4 Wildlife Corridors

Vegetation on the project site and within the 100-foot buffer have the potential to provide refuge, cover, and foraging opportunities to mobile wildlife species (primarily birds). Project implementation would result in a *potentially significant* impact to birds utilizing the on-site and adjacent vegetation for refuge, cover, and foraging.

4.4.5.5 Local Policies or Ordinances Protecting Biological Resources

No impacts associated with local policies or ordinances protecting biological resources would occur.

4.4.5.6 Adopted Habitat Conservation Plans

No impacts associated with adopted habitat conservation plans would occur.

4.4.6 Mitigation Measures

4.4.6.1 Candidate, Sensitive, or Special-Status Species

Direct Impacts

The following mitigation measures shall be implemented to minimize impacts to special-status wildlife species:

> **Mitigation Measure BIO-1: Temporary Fencing Installation.** The project applicant shall install temporary fencing (with silt barriers) at the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed to the satisfaction of the Encinitas Development Services Department and in a manner that does not impact habitats to be preserved and shall utilize materials and deployment methods to minimize and avoid wildlife hazards, including entrapment. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the wildlife agencies. Any habitat impacts that occur beyond the approved fence shall be revegetated with a native plant palette consistent with the vegetation community and its surrounding context to the satisfaction of the wildlife agencies. Temporary construction fencing shall be removed upon project completion.

Mitigation Measure BIO-2: Environmental Awareness Training. A Workers Environmental Awareness Training Program shall be prepared for review and approval by the Development Services Department. The Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of sensitive wildlife that may occur on site, including nesting birds and coastal California gnatcatcher and their habitat, and general compliance with environmental/ permit regulations and mitigation measures.

At a minimum, training shall include a discussion of the following topics: (1) the purpose for resource protection; (2) descriptions of coastal California gnatcatcher their habitat; (3) the mitigation measures in the EIR that should be implemented during project construction to conserve sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced area to avoid sensitive resource areas in the field outside of the limits of work (i.e., avoided areas delineated on maps and on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the federal Endangered Species Act (ESA), the need to adhere to the provisions of ESA, and the penalties associated with violating ESA.

Mitigation Measure BIO-3: Work Hours. Project construction shall occur during daylight hours (as defined by EMC Chapter 9.32). However, if temporary night work is required, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats as directed by a qualified biologist.

Mitigation Measure BIO-4: Construction Best Management Practices. The project applicant shall ensure that the following conditions are implemented during project construction to minimize potential impacts to sensitive vegetation and species:

- Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
- To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site.
- Pets of project personnel shall not be allowed on the project site.
- Disposal or temporary placement of excess fill, brush or other debris shall not be allowed outside of the fenced limits of work.
- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated staging areas with appropriate BMPs in place. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans.
- Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.

Mitigation Measure BIO-5: Biological Monitor Requirements and Duties. A qualified biologist shall be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of preserved habitat to ensure compliance with all project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the project's engineer to ensure that issues relating to coastal California gnatcatcher and their habitat are appropriately and lawfully managed. The biological monitor should flush birds out of suitable habitat areas before they are cleared.

The qualified biological monitor shall also be responsible for the following duties:

- Oversee installation of and inspect temporary fencing and erosion control measures at the projects limits of work a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
- Halt work, if necessary, and confer with the United States Fish and Wildlife Service (USFWS) and City to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS and the City within 24 hours of its occurrence.
- Submit weekly letter reports (including photographs of impact areas) via email to the City during clearing/grubbing of potential habitat and/or project construction resulting in ground disturbance within 500 feet of avoided potential habitat. The weekly reports shall document that authorized impacts were not exceeded and general compliance with all conditions. The reports shall also outline the duration of monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports shall specify numbers and locations of any coastal California gnatcatchers, sex, observed behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers nests.
- Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program were achieved.

Mitigation Measure BIO-6: Breeding Season Avoidance. The removal of vegetation from the project impact footprint and project grading, to the maximum extent practicable, shall occur only from September 16 through January 31 to avoid the nesting bird breeding season, in accordance with the Migratory Bird Treaty Act and California Fish and Game Code. If project construction must occur during the breeding season, Mitigation Measures BIO-7 and BIO-9 shall be implemented.

Mitigation Measure BIO-7: Nesting Bird Survey Pre-construction Survey. To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (February 1 to September 15). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a qualified biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within three calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant shall contact the City and wildlife agencies (California Department of Fish and Wildlife [CDFW] and/or USFWS, as appropriate) to determine the appropriate buffer.

Mitigation Measure BIO-8: Crotch's Bumble Bee Pre-construction Survey. A pre-construction survey for Crotch's bumble bee shall be conducted by a qualified biologist within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). If ground-disturbing activities occur outside the period, no further mitigation would be required.

The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The pre-construction survey shall include (1) a habitat assessment and (2) focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by CDFW on June 6, 2023, or the most current version at the time of construction.

The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. The habitat assessment shall be repeated prior to February 1 in each year ground-disturbing activities occur to determine if nesting resources are present within the impact area. If nesting resources are present in the impact area, focused surveys shall be conducted.

The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and include at least three survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide

with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are those conducted when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100 percent visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified by species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100 percent visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).

Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.

If Crotch's bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to ten kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.

A written survey report shall be submitted to the City and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database (CNDDB) at the time of, or prior to, submittal of the survey report.

If the above measures are followed, the project shall not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If the nest resources cannot be avoided, as outlined in this measure, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this mitigation measure and shall be incorporated into the habitat mitigation and monitoring plan.

In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

Mitigation Measure BIO-9: California Gnatcatcher Nest Avoidance and Minimization Measures. If construction activity occurs during the coastal California gnatcatcher breeding season (typically February 1 through September 15), prior to construction initiation, a biologist shall perform a minimum of three focused surveys, on separate days, to determine the presence of California gnatcatcher nest building activities, egg incubation activities, or brood rearing activities in or within 500 feet of these areas. The surveys shall begin a maximum of seven days prior to project construction and one survey shall be conducted the day immediately prior to the initiation of work. Additional surveys shall be done once a week during project construction in the breeding season. These additional surveys may be suspended as approved by the USFWS. The Permittee shall notify the USFWS at least 7 days prior to the initiation of surveys and within 24 hours of locating any nesting California gnatcatchers. The wildlife agencies (USFWS) and the City's Development Services Department shall be notified if any breeding behavior or active nests are detected.

If an active coastal California gnatcatcher nest is found on site or within 500 feet of project grading activities, the biologist shall postpone work within 500 feet of the nest and contact the USFWS and the City to discuss (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the project applicant shall stop work and coordinate with USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.

Indirect Impacts

Indirect impacts to special-status plants outside of the project disturbance footprint would be reduced by dust control measures required per SDAPCD Rule 55; compliance with National Pollutant Discharge Elimination System (NPDES) regulations (refer to Sections 6.5.3, *Geology and Soils*, and 6.5.6, *Hydrology and Water Quality*, for additional details regarding NPDES regulations and project compliance); incorporation of appropriate best management practices (BMPs) during construction; installation of permanent BMPs in accordance with the City's Storm Water Standards, if required; and preparation and implementation of a project-specific stormwater pollution prevention plan (SWPPP). In addition, Mitigation Measures BIO-1 through BIO-5 would be implemented for indirect impacts.

Mitigation Measure BIO-7, which dictates that no vegetation removal or grading activities shall occur during the nesting bird breeding season (i.e., February 1 through September 15), would be implemented to reduce indirect impacts to nesting birds including Cooper's hawk and coastal California gnatcatcher. Should it become necessary to conduct work within the breeding season for Cooper's hawk and coastal California gnatcatcher (February 1 through September 15), in order to avoid impacts to these species, nesting bird surveys shall be conducted as described in Mitigation Measure BIO-8, and protocol surveys for coastal California gnatcatcher shall be conducted as described in Mitigation Measure BIO-9. Should nesting individuals be detected, appropriate buffers and protection measures shall be established with input from appropriate regulatory agencies, as outlined in Mitigation Measures BIO-8 and BIO-9.

4.4.6.2 Riparian Habitat or Other Sensitive Natural Community

No mitigation is required for impacts to sensitive vegetation communities.

4.4.6.3 Wetlands

No mitigation is required for impacts to jurisdictional aquatic resources.

4.4.6.4 Wildlife Corridors

Mitigation Measure BIO-7, which dictates that no vegetation removal or grading activities shall occur during the nesting bird breeding season, would avoid direct and indirect impacts to nesting birds caused by construction activities potentially impacting the movement of birds. If initial grading and vegetation removal activities must occur with the general bird breeding season for migratory birds and raptors (February 1 and September 15), Mitigation Measures BIO-8 and BIO--9 would be implemented to confirm the absence of active nests belonging to migratory birds and raptors, which are protected under the MBTA and California Fish and Game Code.

4.4.6.5 Local Policies or Ordinances Protecting Biological Resources

No mitigation is required for conflicts with local policies or ordinances protecting biological resources.

4.4.6.6 Adopted Habitat Conservation Plans

No mitigation is required for impacts associated with adopted habitat conservation plans or other approved local, regional, or state conservation plans.

4.4.7 Level of Significance after Mitigation

4.4.7.1 Candidate, Sensitive, or Special-Species

Implementation of Mitigation Measures BIO-1 through BIO-9 would reduce significant direct impacts to special-status wildlife species and nesting birds to a *less-than-significant* level.

Mitigation Measures BIO-1 through BIO-5 would reduce potential indirect impacts to special-status plant species to a *less-than-significant* level.

Implementation of Mitigation Measures BIO-6 through BIO-9 would reduce indirect impacts to special-status wildlife species to a *less-than-significant* level.

4.4.7.2 Riparian Habitat or Other Sensitive Natural Community

No mitigation measures are required to reduce impacts associated with other sensitive vegetation communities. Impacts would be *less than significant*.

4.4.7.3 Wetlands

No mitigation measures are required to reduce impacts as *no impacts* to jurisdictional aquatic resources would occur.

4.4.7.4 Wildlife Corridors

The implementation of Mitigation Measures BIO-6 though BIO-9 would reduce impacts associated with wildlife corridors to a *less-than-significant* level.

4.4.7.5 Local Policies or Ordinances Protecting Biological Resources

No mitigation measures are required to reduce impacts as *no impacts* associated with local policies or ordinances would occur.

4.4.7.6 Adopted Habitat Conservation Plans

No mitigation measures are required to reduce impacts as *no impacts* associated with adopted habitat conservation plans would occur.

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4.5 Cultural Resources

This section provides a description and an assessment of potential impacts to archaeological, historical, and paleontological resources that could result from implementation of the project. The analysis in this section is based, in part, on a *Cultural Resource Inventory Report* prepared for the project by Dudek (Dudek 2024c). A copy of this report is included as **Appendix D-1**, *Cultural Resources Inventory Report*, to this EIR. Tribal consultation correspondence is included in **Appendix D-2**, *Tribal Consultation Correspondence*, and impacts to tribal cultural resources are discussed in Section 4.9, *Tribal Cultural Resources*.

4.5.1 Existing Conditions

The immediate project area consists of a large flat mesa with perimeter slopes along the north, west, and east. A commercial plant nursery used to be located within the project site boundary and was demolished in 2007. The former nursery driveway and several small, paved pads remain from that previous use. The project site is located in the coastal plains of the Peninsular Ranges Geomorphic Province. Geologically, the project area consists of Quaternary Very Old Paralic Deposits over Torrey Sandstone. Vegetation in the area is comprised of chaparral, Diegan coastal sage scrub, buckwheat, and non-native vegetation. Prior to urban development common animals within this area would have included coyote (*Canis latrans*), California ground squirrel (*Spermophilus beecheyi*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginica*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus bennettii*), deer mouse (Peromyscus maniculatus) sparrow (*Melospiza melodia*), as well as a number of other species of birds, mammals, reptiles, and amphibians.

4.5.1.1 Cultural Setting

Evidence for continuous human occupation in the San Diego region spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad time frame have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions. Each of these reconstructions describes essentially similar trends in assemblage composition in more or less detail. The project Cultural Resources Inventory Report employs a common set of generalized terms used to describe chronological trends in assemblage composition: Paleoindian (pre-5500 BC), Archaic (8000 BC–AD 500), Late Prehistoric (AD 500–1769), and Ethnohistoric (post-AD 1769). These periods are discussed in more detail in the Cultural Resources Inventory Report, which is included as Appendix D-1.

4.5.1.2 Cultural Resources Inventory Results

Records Search and Literature Review

An archaeological records search of the California Historic Resources Inventory System (CHRIS) was conducted for the project site and a surrounding 1-mile radius at the South Coastal Information Center (SCIC) on June 5, 2023. The records search results identified 71 previous cultural resources studies that have been conducted within 1 mile of the project site. Of the 71 previous studies, five studies intersect the project site. These studies consist of a cultural resources overview, an

archaeological investigations and mitigations report, and three cultural assessments. The entire project site has been previously surveyed and studied. The SCIC records search identified a total of 15 cultural resources within 1 mile of the project site, and one resource has been previously identified within the project site. Previously recorded cultural resources within 1 mile of the project site are summarized in **Table 4.5-1**, *Previously Recorded Cultural Resources within 1 Mile of the Project Site*. The previously recorded on-site resource consists of a historic-period concrete foundation of a structure present on a 1947 aerial photograph and 1949 historic map. The resource was recorded during a 2017 survey of the project site,

TABLE 4.5-1
PREVIOUSLY RECORDED CULTURAL RESOURCES WITHIN 1 MILE OF THE PROJECT SITE

Primary Number	Trinomial	Age	Resource Type	Significance Criteria
Located within Project Site Boundaries				
P-37-036593	—	Historic	Concrete building foundation	Not eligible
Located within 1 Mile of Project Site				
P-37-002737	CA-SDI-2737	Prehistoric	Lithic Scatter	Not evaluated
P-37-004554	CA-SDI-4554	Prehistoric	Hearth	Not evaluated
P-37-004555	CA-SDI-4555	Prehistoric	Lithic and shell scatter	Not evaluated
P-37-004658	CA-SDI-4658	Prehistoric	Camp	Not evaluated
P-37-004810	CA-SDI-4810	Prehistoric	Hearth	Not evaluated
P-37-004880	CA-SDI-4880	Prehistoric	Midden with shell	Not evaluated
P-37-013925	CA-SDI-13902	Prehistoric	Lithic and shell scatter	Not eligible
P-37-027115	CA-SDI-17734	Prehistoric	Shell scatter	Not evaluated
P-37-029971	—	Historic	Single-Family Residence: 389 Requeza Street	Not eligible
P-37-035835	—	Historic	Ancillary building: Office Building, Ecke Ranch	Not eligible
P-37-038594	—	Historic	Hospital: Scripps Memorial Hospital Encinitas	Not eligible
P-37-39456	—	Historic	Highway/Trail: SG-001 Encinitas Boulevard	Not eligible
P-37-039457	—	Historic	Highway/Trail: SG-002 Quail Gardens Drive	Not eligible
P-37-040592	CA-SDI-23458	Prehistoric	Lithic and shell scatter	Not eligible

SOURCE Dudek 2024c

In addition to the SCIC records, the record search also examined the National Register of Historic Places (NRHP), Office of Historic Preservation Archaeological Determinations of Eligibility and Historic Property Directory lists, and historic maps. Historic aerial photographs and topographic maps were also reviewed online.

Sacred Lands File Search

A Sacred Lands File (SLF) search was requested from the Native American Heritage Commission (NAHC). The NAHC SLF search did not indicate the presence of any Native American cultural resources in the immediate vicinity of the project site.

Field Survey

An intensive pedestrian survey of the project site was performed on June 16, 2023, and was conducted by an archaeologist and a Native American monitor from Red Tail Environmental. The survey was conducted using standard archaeological procedures and techniques that meet the Secretary of Interior's standards and guidelines. Survey transects were spaced 15 meters wide and oriented south–north across accessible areas of the project site. Within each transect, the ground surface was examined for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of the current or former presence of structures or buildings (e.g., standing exterior walls, post holes, foundations), and historic artifacts (e.g., metal, glass, ceramics, building materials). Ground disturbances such as burrows, cut banks, and drainages were also visually inspected for exposed subsurface materials.

Ground visibility at the project site was fair on approximately 50 percent of the site, consisting of open areas. Visibility was poor in areas of dense vegetation and imported gravel (in the central and northern sections of the project site). The vegetation consisted of low-lying non-native grasses, shrubs, ice plants, and palm trees. The soil consisted of a loosely to moderately compacted coarse-grained sandstone. Modern debris was observed throughout the area (e.g., lighters, cans, glass bottles, etc.). Modern disturbances were also noted within the project site, consisting of a chain link fence along the bluff, three utility boxes, and a concrete driveway located near the entrance gate in the southeastern section of the project site. The previously recorded resource, P-37-36593, a historic concrete foundation, was revisited during the pedestrian survey. The resource is in the same condition as described in the previous study. No new cultural or built environment resources were identified on the project site during the pedestrian survey.

4.5.1.3 Paleontological Resources

Outcroppings of weathered Torrey Sandstone were observed during a geotechnical investigation of the project site (GeoTek 2023). The outcroppings were observed in the northern and western portions of the site along the cut slope, and in the southeastern portion of the site. The Torrey Sandstone formation has produced important remains of fossil plants and marine invertebrates and dates from the early middle Eocene. Plant remains (mostly leaves) associated with the formation are especially significant because many are from taxa that would suggest that the Eocene climate in this area was warmer and wetter than the modern climate. Invertebrate fossils known from the Torrey Sandstone primarily consist of near-shore marine taxa (e.g., clams, oysters, snails and barnacles). Vertebrate fossil remains are rare and include teeth of crocodiles, sharks and rays. The coarse-grained nature of the Torrey Sandstone and the generally poor state of preservation of contained fossils support a moderate paleontological resource sensitivity rank (Deméré and Walsh 1993).

Very Old Paralic Deposits (formerly the Lindavista Formation) were observed in the central portion of the site (GeoTek 2023). Fossil localities in Very Old Paralic Deposits are rare and have only been

recorded in a few areas. Fossils collected from this formation consist of remains of nearshore marine invertebrates including clams, scallops, snails, barnacles, and sand dollars, and sparse remains of sharks and baleen whales. Based on the sparsity of fossils reported from this formation, Very Old Paralic Deposits (formally Linda Vista formation) are assigned a moderate paleontological sensitivity (Deméré and Walsh 1993).

4.5.2 Regulatory Framework

4.5.2.1 State

California Environmental Quality Act

CEQA requires state and local public agencies to identify the environmental impacts of proposed discretionary activities or projects, determine if the impacts will be significant, and identify feasible alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment.

Historical resources are considered part of the environment, and a project that may cause a substantial adverse effect to the significance of a historical resource is a project that may have a significant effect on the environment. "Historical resource" applies to a building and/or structure that:

1. Is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4850 et seq.); or
2. Is included in a local register of historical resources, or is identified as significant in an historical resource survey meeting the requirements of Public Resources Code Section 5024.1(g); or
3. Is a building or structure determined by the lead agency to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Lead agencies have a responsibility to evaluate historical resources prior to making a finding as to a proposed project's impacts. Mitigation of adverse impacts is required if the proposed project will cause substantial adverse change. Substantial adverse changes include demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired. The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of an historical resource that convey its historical significance (i.e., its character-defining features) is considered to materially impair the resource's significance.

If a cultural resource does not meet the definition of a "historic resource" under CEQA Guidelines Section 15064.5, it must be reviewed under Public Resources Code Section 21083.2(g) that defines the significance of an archaeological site in terms of uniqueness. A unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that,

without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

1. Contains information needed to answer important scientific questions and there is a demonstrable public interest in that information;
2. Has a special and particular quality, such as being the oldest of its type or the best available example of its type; and/or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

A nonunique archaeological resource indicates an archaeological artifact, object, or site that does not meet the previously listed criteria. Impacts on nonunique archaeological resources receive no further consideration under CEQA, other than the recording of its existence by the lead agency if it so elects.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) program encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA. The criteria established for eligibility for the CRHR are directly comparable to the national criteria established for the National Register of Historic Places (NRHP).

To be eligible for listing in the CRHR, a building must satisfy at least one of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Not only must historical resources eligible for listing in the CRHR meet one of the criteria of significance described above, eligible resources must also retain integrity, or enough of their historic character or appearance to be recognizable as historical resources, and to convey the reasons for their significance. For the purposes of eligibility for the CRHR, integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance" (Office of Historic Preservation 2001). This general definition is strengthened by the more specific definition offered by the NRHP—the criteria and guidelines upon which the CRHR criteria and guidelines are based.

Historical resources achieving significance within the past 50 years are considered for eligibility for the CRHR only if they meet special consideration. To understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or

individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment of disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains.

California Public Resources Code

California Public Resources Code Section 5097.98 outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California NAHC within 24 hours. The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of the discovery. The inspection must be completed within 48 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans.

4.5.2.2 Local

City of Encinitas General Plan and Local Coastal Plan

The Resource Management Element of the City's General Plan addresses archaeological and historical resources. The Resource Management Element calls for an inventory or all historically significant sites and/or structures within the City that require protection. Further, the Resource Management Element categorizes the cultural resources sensitivity of areas of the City as Low, Moderate, and High. According to Figure 4, *Cultural Resource Sensitivity*, in the Resource Management Element, the project site is in a portion of the City designated as having low cultural resource sensitivity.

The following goals and policies of the Resource Management Element are relevant in protecting cultural resources in the City:

> GOAL 7: The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations. (Coastal Act Section 30250)
>
> > POLICY 7.1: Require that paleontological, historical, and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development. (Coastal Act Section 30250)
> >
> > POLICY 7.2: Conduct a survey to identify historical structure and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation. (Coastal Act Sections 30250, 30253(5))

Encinitas Municipal Code

Chapter 30.34, *Special Purpose Overlay Zones*, of the EMC identifies areas of the City with overlay zones subject to specific requirements. In relation to cultural resources, Section 30.34.020, *Cultural/Natural Resources Overlay Zone*, of the EMC applies to all areas within the Special Study Overlay Zone where site-specific analysis of a parcel of land indicates the presence of important man-made cultural and historic resources, and ecologically sensitive plant and animal habitats. For parcels containing archaeological or historical sites, the EMC requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources. The project site is located in Special Purpose Overlay Zones, as shown in Figure 4.6-3.

4.5.3 Thresholds and Methodology

4.5.3.1 Thresholds of Significance

As defined in CEQA Guidelines Appendix G, project impacts to cultural resources would be considered significant if the project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

With regards to paleontological resources, as defined in in CEQA Guidelines Appendix G, impacts would be significant if the project would:

- Directly or indirectly destroy unique paleontological resources or sites or a unique geological feature.

4.5.3.2 Methodology

In accordance with CEQA Guidelines Section 15064.5, any project with an effect that may cause a substantial adverse change in the significance of a cultural resource, either directly or indirectly, is a project that may have a significant effect on the environment. As a result, such a project would require avoidance or mitigation of impacts to those affected resources. Significant cultural resources must meet at least one of four criteria that define eligibility for listing on the CRHR (Public Resources Code Section 5024.1, Title 14 CCR, section 4852). Resources listed on or eligible for inclusion in the CRHR are considered Historical Resources under CEQA. A Historical Resource is a resource that (1) is listed in or has been determined eligible for listing in the CRHR by the State Historical Resources Commission; (2) is included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k); (3) has been identified as significant in an historical resources survey, as defined in Public Resources Code Section 5024.1(g); or (4) is determined to be historically significant by the CEQA lead agency [CCR Title 14, Section 15064.5(a)]. In making this determination, the CEQA lead agency usually applies the CRHR eligibility criteria. The eligibility criteria for the CRHR are stated above under Section 4.5.2, *Regulatory Framework*.

Impacts to paleontological resources would be considered significant if development of the project would require the excavation of over 1,000 cubic yards of a geologic formation with high resource potential to contain paleontological resources and excavation depths within the geologic formation of 10 feet or greater, or excavation over 2,000 cubic yards of a geologic formation with moderate resource potential to contain paleontological resources.

4.5.4 Impact Analysis

4.5.4.1 Impact 4.5-1: Historical Resources

The project site contains a historic-period concrete foundation, which was present on a 1947 aerial photograph and a 1949 historic map. The resource has concrete slab walkways and a floor, and metal bolts are embedded in the concrete. This resource was evaluated in a 2017 cultural resource study (not associated with the project) and determined not eligible for listing in the CRHR as it was used through modern times, agricultural in nature, and lacked potential historic associations and information potential. The resource was revisited during the field survey conducted for the project (Dudek 2024c) and appears to be in the same condition as previously recorded in 2017. As the historic resource present on the project site has been determined ineligible for listing, the project would not result in a significant impact to historical resources. Impacts associated with the removal of the resource for project construction would be *less than significant*.

4.5.4.2 Impact 4.5-2: Archaeological Resources

The majority of the project site where development would occur has been disturbed by previous agricultural activities. Based on the cultural resources survey conducted for the project, the potential for subsurface archaeological resources is low to moderate, due to the presence of potting soil/peat and sandstone throughout the project area and the previous agricultural use of the site; however, the previous depth of disturbance is unknown. There is potential for project grading and construction to encounter unknown buried archaeological resources. Impacts to unknown archaeological resources would be *potentially significant*.

4.5.4.3 Impact 4.5-3: Human Remains

The project would not disturb any known human remains; however, grading and construction of the project has the potential to extend into previously undisturbed native sediment. As such, there is a possibility of encountering unknown human remains. Impacts to human remains would be *potentially significant*.

4.5.4.4 Impact 4.5-4: Paleontological Resources

The project site is underlain by Torrey Sandstone and Very Old Paralic Deposits, which both have moderate paleontological sensitivity. Construction of the project would require cut in excess of 2,000 CY in formations having a moderate paleontological sensitivity. As such, project construction has the potential to result in *significant* impacts to unknown paleontological resources that may be present on the site and uncovered, damaged, or destroyed by construction activities.

4.5.5 Level of Significance before Mitigation

4.5.5.1 Historical Resources

The project would result in *less-than-significant* impacts associated with the removal of the historic foundation present on the project site.

4.5.5.2 Archaeological Resources

The project would result in the potential to encounter unknown buried archaeological resources through the disturbance of previously undisturbed native sediments. If unknown buried resources are discovered during project construction, impacts to these resources would be *potentially significant*.

4.5.5.3 Human Remains

If unknown human remains are discovered during project construction, the disturbance of human remains, including those interred outside of formal cemeteries, would result in a *significant* impact.

4.5.5.4 Paleontological

Since the project would require excavation of more than 2,000 CY of a geologic formation with moderate resource potential, project impacts to paleontological resources would be *potentially significant*.

4.5.6 Mitigation Measures

4.5.6.1 Historical Resources

No mitigation measures are required for impacts to historical resources. Impacts would be *less than significant*.

4.5.6.2 Archaeological Resources

The following mitigation measure shall be implemented by the project to minimize impacts to unknown buried archaeological resources:

> **Mitigation Measure CR-1: Construction Monitoring.** Prior to the issuance of grading permits, a qualified archaeologist and Kumeyaay Native American monitor shall be retained to monitor ground-disturbing activities. The qualified archaeologist and Kumeyaay Native American monitor shall be present during initial ground disturbing activities. Should resources be identified, or if undisturbed sedimentary deposits which have the potential to contain archaeological resources are identified, monitoring may need to be increased, as determined by the archaeologist, the City, and in consultation with the Tribe that is monitoring If disturbed sediments (e.g., fill) or other sediment formations are identified that do not have the potential to contain archaeological resources, then monitoring may be reduced or terminated.

4.5.6.3 Human Remains

The following mitigation measure shall be implemented by the project to minimize impacts to unknown buried human remains:

> **Mitigation Measure CR-2: Discovery of Human Remains.** In the event human remains are encountered during project construction, State Health and Safety Code Section 7050.5 and State CEQA Guidelines Section 15064.5(e)(1) state that no further disturbance shall occur to the area of the find until the County Coroner has made a determination of origin and disposition of the human bone pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately and shall make their determination within two working days of being notified. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) by phone within 24 hours, and the NAHC shall then immediately determine and notify a Most Likely Descendant. With the permission of the landowner or his/her authorized representative, the Most Likely Descendant may inspect the site of the discovery. The Most Likely Descendant shall complete the inspection and make recommendations or preferences for treatment of the remains within 48 hours of being granted access to the site. The Most Likely Descendant's recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.

4.5.6.4 Paleontological Resources

The following mitigation measure shall be implemented by the project to minimize impacts to paleontological resources:

> **Mitigation Measure CR-3: Paleontological Monitoring.** A qualified paleontological monitor shall be present during grading activities on the project site for excavation of a geologic formation with moderate resource potential to contain paleontological resources. The monitor shall have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan shall be implemented to mitigate the discovery. Excavation shall include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.

4.5.7 Level of Significance after Mitigation

4.5.7.1 Historical Resources

No mitigation measures are required to reduce impacts to historical resources. Impacts remain *less than significant*.

4.5.7.2 Archaeological Resources

Mitigation Measure CR-1 would reduce potentially significant impacts associated with unknown buried archaeological resources to a *less-than-significant* level.

4.5.7.3 Human Remains

Mitigation Measure CR-2 would reduce potentially significant impacts associated with the discovery of human remains to a *less-than-significant* level.

4.5.7.4 Paleontological Resources

Mitigation Measure CR-3 would reduce potentially significant impacts to paleontological resources to a *less-than-significant* level.

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4.6 Land Use and Planning

This section provides information regarding current land use conditions, land use designations, and land use policies pertinent to the project site. CEQA Guidelines Section 15125(d) states that "[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." This section fulfills this requirement for the proposed project. In this context, this section reviews the land use assumptions, designations, and policies of the General Plan and other applicable state and local requirements, which govern land use within the project area and evaluates the proposed project's potential to divide an established community or conflict with policies adopted for the purpose of avoiding or mitigating significant environmental effects.

4.6.1 Existing Conditions

The property is currently vacant and surrounded by existing residential development to the south and west, commercial areas to the east, public roadway to the north and south, with small patches of undeveloped lands to the north, east, and west. Three wireless telecommunications antenna facilities and eight trees are present on the project site. The site is designated by the General Plan for rural residential and residential use, with the northern parcel zoned for Rural Residential 2 (RR-2) and the southern three parcels zoned for Residential 3 (R-3) (**Figure 4.6-1**, *General Plan Land Use*; **Figure 4.6-2**, *Zoning Map*).

The project site lies within the Coastal Overlay Zone, which is aimed at long-term protection of the City's coastal resources in conformance with the California Coastal Act. More than half of the City lies within the boundaries of the California Coastal Zone and development within the Coastal Overlay Zone is subject to certain design restrictions aimed at long-term protection of scenic and natural coastal resources. Such design restrictions include, but are not limited to, limiting maximum building height, retaining view corridors, maintaining coastal access, and protecting coastal resources, among other requirements. All development within the Coastal Overlay Zone is required to apply for a Coastal Development Permit (CDP). The project site is outside the Coastal Appeal Zone.

4.6.2 Regulatory Framework

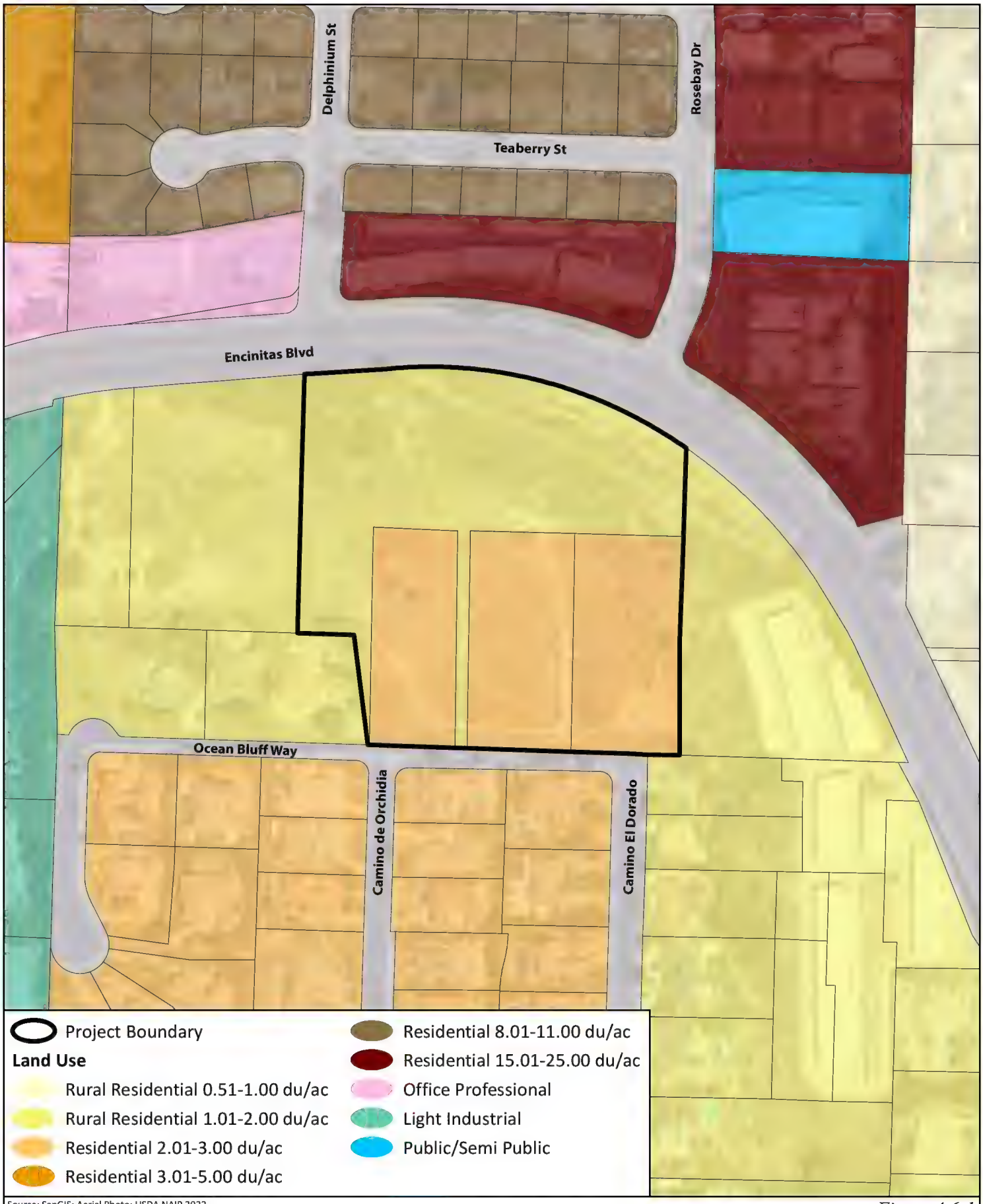
This section identifies and summarizes the state and local laws, policies, and regulations related to land use and planning that are applicable to the proposed project.

4.6.2.1 State

California Building Code

California Code of Regulations Title 24 provides a minimum standard for building design through the California Building Code (CBC). The CBC is a compilation of three types of building standards from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;



Source: SanGIS; Aerial Photo: USDA NAIP 2022

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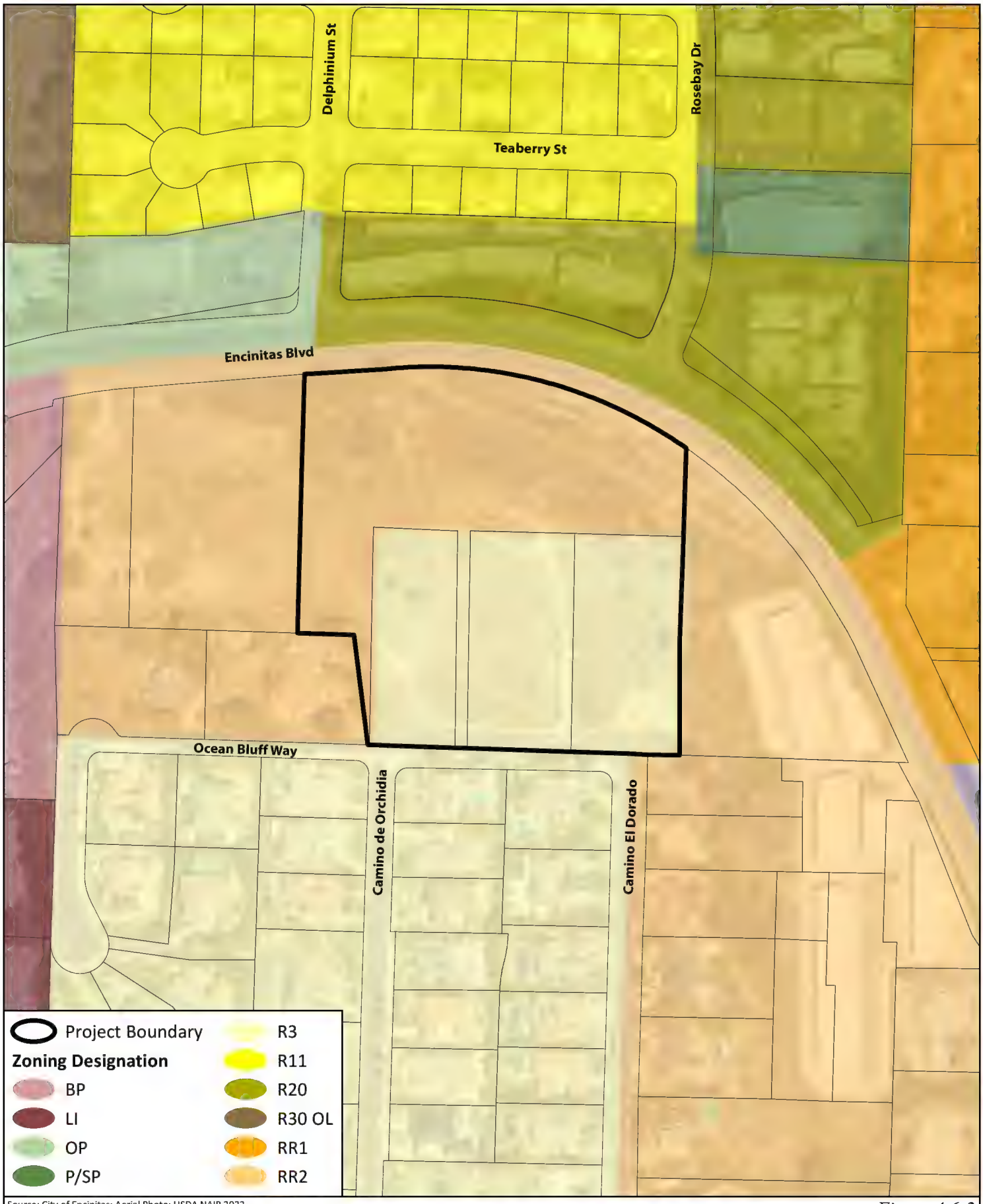
Figure 4.6-1

General Plan Land Use

OCEAN BLUFF RESIDENTIAL EIR



Source: City of Encinitas; Aerial Photo: USDA NAIP 2022

Figure 4.6-2

Zoning Map

OCEAN BLUFF RESIDENTIAL EIR

BARANEK Consulting Group

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- Building standards that have been adopted and adapted from national model codes to address California's ever-changing conditions; and
- Building standards, authorized by the California legislature, that constitute amendments not covered by national model codes, that have been created and adopted to address particular California concerns.

All occupancies in California are subject to national model codes adopted into Title 24, and occupancies are further subject to amendments adopted by state agencies and ordinances implemented by local jurisdictions' governing bodies.

California Planning and Zoning Law

California Planning and Zoning Law, Government Code Sections 65000–66499.58 set forth the legal framework in which California cities and counties exercise local planning and land use functions. Under State planning law, each city and county must adopt a comprehensive, long term general plan.

State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements comprise the inclusion of nine mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures. The General Plan is summarized in Section 4.6.2.2 below.

California Coastal Act

The Coastal Act of 1976 permanently established the California Coastal Commission (Division 20 of the Public Resources Code). By passing the Coastal Act of 1976, the State Legislature created the mandate for preparation of LCPs and established the following goals:

1. Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
2. Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the State.
3. Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
4. Assure priority for coastal-dependent development over other development on the coast.
5. Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

All developments within the Coastal Overlay Zone are required to apply for a CDP. The project site is within the Coastal Overlay Zone but outside the Coastal Appeal Zone.

4.6.2.2 Local

San Diego Association of Governments – Regional Plan

The San Diego Association of Governments (SANDAG) Board of Directors adopted the Final 2021 Regional Plan in December 2021. The 2021 Regional Plan provides a long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources. The plan combines the RTP, (SCS), and Regional Comprehensive Plan. The 2021 Regional Plan contains the following goals in support of its vision for a fast, fair, and clean transportation system and a resilient region:

- The efficient movement of people and goods
- Access to affordable, reliable, and safe mobility options
- Healthier air and reduced greenhouse gas (GHG) emissions

Projects, policies, and programs developed to achieve the 2021 Regional Plan's goals are organized around three core strategies: a reimagined transportation system, sustainable growth and development, and innovative demand and system management.

City of Encinitas General Plan and Local Coastal Program

The General Plan was adopted in 1989 and serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The General Plan is composed of seven elements: Land Use, Housing, Circulation, Public Safety, Resource Management, Recreation and Noise. Goals, objectives, and implementing policies and programs have been established for each of the elements. In 2021, the City adopted the 6th cycle of its Housing Element (2021–2029), which ensures that the City establishes policies, procedures and incentives in its land use planning and development activities that result in the maintenance and expansion of its housing supply.

Approximately two-thirds of Encinitas lies within the boundaries of the California Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare a Local Coastal Program (LCP) for those areas of the Coastal Zone within its jurisdiction; therefore, in addition to the General Plan the City also maintains the LCP which goals and policies are directly related to California Coastal Act requirements. The General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject to certain design restrictions for developing in the Coastal Zone (building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan (LUP) and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone. The City is responsible for the issuance of CDPs within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. The City's decision on a CDP may be appealed to the Coastal Commission, if a property is in the Coastal Appeal Zone. The proposed project site is outside the Coastal Jurisdiction Appeal area.

The General Plan and LCP policies adopted for the purpose of avoiding or mitigating an environmental effect that are relevant to the project are discussed below in this section.

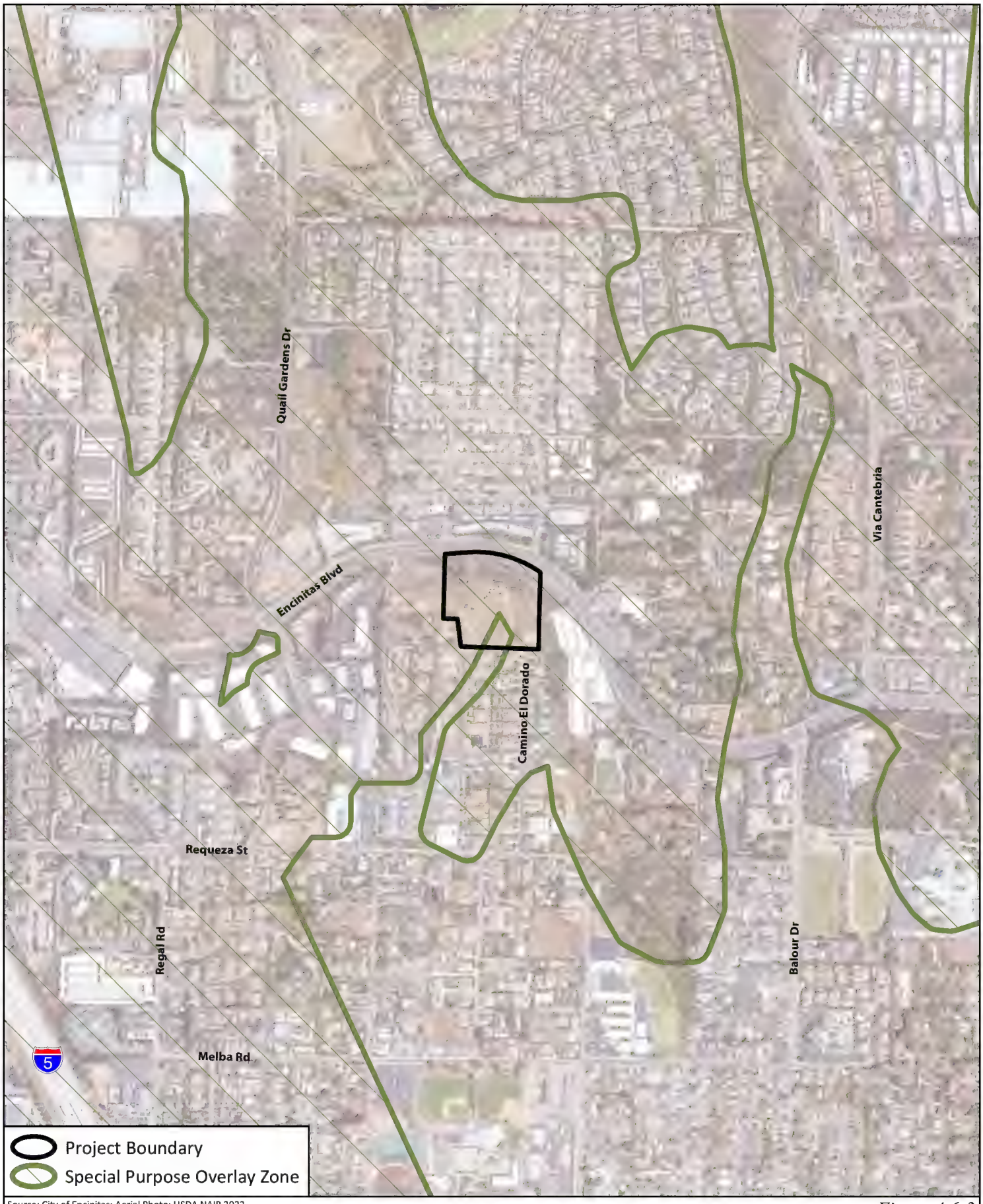
City of Encinitas Municipal Code

Zoning Regulations

The Encinitas Municipal Code (EMC) contains Zoning Regulations (Title 30) which are used as an implementation mechanism for achieving the goals, objectives, and policies identified in the General Plan. While the General Plan land use designations provide basic criteria and guidelines for future development in the City, specific development standards are included in the Zoning Regulations to better define such guidelines. The land use designations identified in the General Plan Land Use Element correspond to the boundaries of one or more zoning districts identified on the City's Zoning Map. The site is designated by the General Plan for rural residential and residential use, with the northern parcel zoned Rural Residential 2 (RR-2), which allows for up to 2 dwelling units (DUs) per net acre, and the southern three parcels zoned Residential 3 (R-3), which allows for up to three DUs per net acre.

Special Purpose Overlay Zones

The EMC also defines several Special Purpose Overlay Zones in EMC Chapter 30.34. The project site is located within one Special Purpose Overlay Zone: Hillside/Inland Bluff Overlay Zone (**Figure 4.6-3**, *Special Purpose Overlay Zone*). The Hillside/Inland Bluff Overlay Zone regulations apply to all areas within the Special Purpose Overlay Zone where site-specific analysis indicates that 10 percent or more of the area of a parcel of land exceeds 25 percent slope. A slope analysis must be prepared to illustrate where slopes greater than 25 percent occur on the project site. Where structures and improvements are proposed within any areas of greater than 25 percent slope, a geological reconnaissance report shall also be submitted. Slopes of greater than 25 percent grade must be preserved in their natural state unless it can be demonstrated that encroachment would not result in excess bulk and scale. A deviation in the encroachment allowance of up to 20 percent of the entire parcel may be granted through the design review process. All slopes over 25 percent grade that remain undisturbed, or that are restored or enhanced as a result of a development approval, shall be conserved as a condition of that approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such slopes.



Source: City of Encinitas; Aerial Photo: USDA NAIP 2022

Figure 4.6-3

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Special Purpose Overlay Zone

OCEAN BLUFF RESIDENTIAL EIR

Coastal Overlay Zone

The General Plan includes issues and policies related to California Coastal Act requirements; therefore, the General Plan serves as LCP LUP for the City. The project site lies within the Coastal Overlay Zone and requires a CDP to ensure conformance with the California Coastal Act. Projects within the Coastal Zone Overlay are subject to certain design restrictions for developing within the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

Noise

The EMC (Titles 9 and 30) establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses but also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels. Section 4.7, *Noise*, contains a summary of the noise standards in the EMC that are applicable to the project.

City of Encinitas Climate Action Plan

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The 2020 CAP Update incorporates the Housing Element Update residential units into the business-as-usual projection and legislatively adjusted projection and presents associated updates and revisions to the CAP measures. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following GHG reduction strategies from the CAP are applicable to the project:

- BE-2: Require Decarbonization of New Residential Buildings.
- RE-2: Require New Homes to Install Solar Photovoltaic Systems

- CET-4: Require Residential Electric Vehicle Charging Stations
- WE-1: Regularly Conduct Water Rate Studies and Implement Approved Water Rates

Under the CAP's Carbon Sequestration Strategy is Goal 7.1: Increase Urban Tree Cover. Supporting measures for Goal 7.1 include "The City will continue to encourage developers to avoid the removal of any mature trees when a property is developed or redeveloped. If the removal of mature trees is unavoidable, trees are required to be replaced at a 1:1 ratio." The project site currently features eight mature trees.

City of Encinitas Draft Multiple Habitat Conservation Program Subarea Plan

The City is within the Multiple Habitat Conservation Program (MHCP) planning area, and the City Draft Subarea Plan was prepared in June 2001. It should be noted that the Subarea Plan has not been adopted by the City. The Draft Subarea Plan would provide regulatory certainty to landowners in the city and aid in conserving the region's biodiversity and enhancing the quality of life. The Draft Subarea Plan addresses the potential impacts to natural habitats and rare, threatened, or endangered species caused by projects in the City. The Draft Subarea Plan also forms the basis for Implementing Agreements, which would be the legally binding agreements between the City and the wildlife agencies that ensure implementation of the plan and provide the City with state and federal "take authority." Once adopted, this Draft Subarea Plan will result in issuance of federal and state authorizations for the "take" of listed rare, threatened, or endangered species. These authorizations will be granted to the City by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), collectively referred to as the Wildlife Agencies. The City, in turn, may then authorize the taking of natural habitats or associated species by public or private projects within its jurisdiction as long as those biological resources are adequately conserved by, and the projects are consistent with and covered by, the provisions of the Draft Subarea Plan.

In the Draft Subarea Plan, lands identified for conservation are designated as hardline or softline Focused Planning Areas (FPAs). Hardline FPAs include lands with existing development agreements that identify designated development and biological preserve areas. Softline FPAs include lands where conservation will be achieved through the application of development and conservation standards and criteria as outlined in the Draft Subarea Plan.

4.6.3 Thresholds and Methodology

Pursuant to CEQA Guidelines Appendix G, project impacts to land use and planning would be considered significant if the proposed project would:

- Physically divide an established community.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.6.3.1 Methodology

Established Community

The analysis of whether the proposed project would physically divide an established community assesses the physical context of the project site within the greater city and whether the project would adversely alter this context by providing a physical division, including through the construction of large, incongruent structures, closing public streets, or otherwise hindering access through the project site or surrounding areas.

Land Use Plans, Policies and Regulations

The analysis of the proposed project's consistency with land use plans, policies, and regulations assesses whether the proposed project would be in conformance with (or not conflict with) adopted regional and local plans, policies, and regulations that are applicable to the proposed project and project site. Consistent with the requirements of the CEQA Guidelines, this discussion focuses on those land use goals, policies, and regulations that relate to avoiding or mitigating environmental impacts, recognizing that an inconsistency with a plan, policy, or regulation does not necessarily equate to a significant physical impact on the environment. The analysis, therefore, considers whether any inconsistencies create a significant physical impact on the environment.

4.6.4 Impact Analysis

4.6.4.1 Impact 4.6-1: Established Community

The proposed project would develop 27 new single-family residential units on a site located within an existing developed area on a vacant property formerly occupied by a commercial nursery. The project site is surrounded by single-family residences to the west and south and Encinitas Boulevard to the north. Commercial properties occur to the west and east as well. The proposed project would not result in the construction of improvements, such as large structures, the extension of a roadway, or other components, that would physically divide an established community. No impact would occur.

4.6.4.2 Impact 4.6-2: Conflict with Land Use Plan, Policy, or Regulation

SANDAG's San Diego Forward: The 2021 Regional Plan

The Regional Plan's vision for a fast, fair, and clean transportation system and a resilient region is supported by three goals: (1) the efficient movement of people and goods; (2) access to affordable, reliable, and safe mobility options for everyone; and (3) healthier air and reduced GHG emissions regionwide. The project is proposed on a site planned for residential uses on a residentially zoned property. The project site is an infill location surrounding by residential and commercial uses and public roadways. Given its proximity to other urban land uses and implementation of the GHG reduction strategies outlined in the City's CAP, the project would be consistent with the overall vision of the Regional Plan. No conflicts with the Regional Plan would occur; *no impacts* are identified.

City of Encinitas General Plan and Local Coastal Plan

The General Plan land use designations for the project site are Rural Residential and Residential use. The Rural Residential land use designation allows residential development at a density of 8 to 15 dwelling units per acre (DU/AC). The maximum units allowed on the project site, based on net acreage, is 13 DUs, pursuant to EMC Chapter 30.16. With the State Density Bonus Law and the provision of three very-low affordable units, the applicant would be allowed to construct a base project of 18 DUs, using the gross acreage, with a density bonus of 50 percent (equating to an additional nine housing units, including the three affordable units) for a total of 27 residential dwelling units comprised of 24 market-rate units and three affordable units, in accordance with Government Code Section 65915 and EMC Section 30.16.020(C).

The project's compliance with various policies of the General Plan and LCP is provided below:

Land Use Element

With regard to the Land Use Element, the project would be consistent with Policy 1.12 related to maintaining the single-family residential character of the City and Policy 3.2 regarding the provision of housing opportunities for all segments of society. No upgrades to public services or utilities would be necessary to service the project, consistent with Land Use Policy 4.1. The project's design would avoid encroachment into steep slopes and concentrate the residential development on the disturbed and developed portion of the site formerly occupied by a commercial nursery consistent with Land Use Goal 8 related to avoiding environmentally and topographically sensitive areas.

Housing Element

By providing a range of housing types and prices, the project would implement goals and policies of the Housing Element. In addition, the project would be responsive to Housing Element Update (HEU) programs that require the City to implement inclusionary requirements to ensure affordable units are available throughout the community (Program 2A) and require the City to work with developers to increase the availability of affordable housing in the City (Program 2B).

Resource Management Element

The project would not remove heritage trees protected by the City's Municipal Tree Ordinance and identified in Resource Management Policies 3.1, 3.2, and 3.6. The project design would minimize impacts to environmentally sensitive resources, such as cultural and biological resources, consistent with Policies 7.1 and 10.5 of the Resource Management Element. The use of drought tolerant landscaping and preserving the sensitive vegetation on the project site would be consistent with the requirements of Resource Element Policy 9.6. The project would preserve all native vegetation on natural slopes of 25 percent grade or greater, consistent with the requirements of the Hillside/Inland Bluff Overlay and as identified in Resource Management Policy 10.1. As discussed in Section 4.3, *Air Quality*, and Section 6.5, *Effects Found Not to Be Significant*, the project would result in less-than-significant impacts to drainage/water quality, air quality, wildfire, and geology/soils, as desired in Resource Management Element Policies 13.1, 14.1, 14.3, 14.4, 14.5, and 14.6. The project would implement various source control and site design Best Management Practices (BMPs) to protect water quality.

Noise Element

Project traffic would not significantly increase noise levels in the local community, consistent with Policy 1.1 of the Noise Element, and both outdoor and indoor noise levels would comply with noise limits identified in Noise Policies 1.2, 1.7 and 2.1. Refer to Section 4.7, *Noise*, for a detailed discussion of the project's operational noise impacts.

Safety Element

Recommendations from the site-specific geotechnical evaluation would be integrated into the project design to avoid seismic and geologic hazards consistent with Safety Policy S-2.1. Threats from wildland fire and fire hazards would be minimized through siting and fire suppression design features that comply with Safety Policies S-4.1, S-4.3, S-4.6 and S-4.8. Section 6.5, *Effects Found Not to Be Significant*, contains an analysis of safety-related issues.

Circulation Element

The project would be consistent with Circulation Policies 1.3 and 1.10 by not changing the level of service (LOS) at studied intersections and road segments in the project area and by implementing improvements to Ocean Bluff Way, as discussed in Section 4.8, *Transportation*. The project design minimizes turning, curb parking, uncontrolled access, and frequent stops by constructing frontage improvements along Ocean Bluff Way and a private access road that contains off-street parking; therefore, it would not conflict with Circulation Policy 1.10. Pedestrian access would be provided as part of frontage improvements along Ocean Bluff Way, consistent with Circulation Policy 1.15. In addition, the project would not make changes to transit, bicycle, and pedestrian facilities in the project vicinity in compliance with Circulation Policy 1.15.

Overhead lights would be fully shielded with all light directed downwards consistent with Circulation Policy 1.17. The private roadway would be constructed to applicable City standards to serve the new development and minimize through traffic in residential neighborhoods, consistent with Circulation Policies 2.2 and 2.3. The landscape plan would ensure compliance with Policies 2.8, 2.10, and 2.13 of the General Plan. All improvements would be required to comply with the EMC and the Americans with Disabilities Act (ADA), consistent with Circulation Policy 3.1.

Therefore, the project would be consistent with all applicable General Plan and LCP policies contained in the Land Use, Housing, Resource Management, Noise, Safety and Circulation Elements. *No impact* relative to a conflict with General Plan land use goals or policies adopted for the purpose of avoiding or mitigating an environmental effect would occur.

City of Encinitas Municipal Code

With regard to Special Purposes Overlay Zones, the project site is located in the Hillside/Inland Bluff Overlay and Coastal Overlay Zones. While most of the project development area would occur outside of the steep slopes on the project site, the project would encroach into 0.077 acres of steep slope area, consistent under the maximum encroachment allowance requirements of EMC Section 30.34.040 (i.e., maximum permitted encroachment is 0.094 acres). The project would not affect view corridors, coastal access, or any coastal resources projected by the Coastal Overlay Zone. Thus, the

project would conform with the requirements of the LCP and Coastal Overlay Zone and would not result in adverse effects on the scenic quality within the project vicinity or the overall Coastal Zone.

Proposed construction activities associated with the project would exceed the City's threshold of 75 dBA, resulting in a potentially significant noise impact for short-term construction activities, as discussed in Section 4.7, *Noise*. With mitigation incorporated into the project, proposed construction would comply with EMC Chapter 9.32, *Noise Abatement and Control*, and Chapter 30.40, *Performance Standards*, which establish property line noise level limits.

No impacts related to compliance with EMC regulations are identified.

City of Encinitas Climate Action Plan

The City developed its Single-Family Green Building Checklist (Checklist) to evaluate a single-family residential project's consistency with the CAP. Projects that are consistent with the CAP, as determined through the use of the Checklist may rely on the CAP for the cumulative impact analysis of GHG emissions. The project has been determined to be consistent with the City's CAP through the Checklist (Appendix I, *Single-Family Green Building Checklist*), as discussed in Section 6.5.4, *Greenhouse Gas Emissions*. The project would implement the following measures identified in the Checklist: all-electric building requirements, installation of solar photovoltaic equipment sized according to California Title 24, Part 6, Energy Code Section 150.10(a), electric vehicle (EV) charging, and plumbing for a graywater system.

The City's CAP has accounted for growth in housing through the 2020 CAP update. The project is consistent with residential land use and zoning, as modified by the State Bonus Density Law, and as such, the projected growth from the proposed development would be consistent with CAP projections. In addition, the project would replace the existing eight mature trees with a total of 21 trees, which would exceed the 1:1 replacement ratio specified in CAP Policy 7.1 (carbon sequestration) of the CAP. Therefore, the project would be consistent with the GHG reduction strategies of the CAP and would support the state's GHG reduction goals and progress towards achieving carbon neutrality. Additional discussion of the project's consistency with the CAP in terms of GHG emissions is provided in Section 6.5.4, *Greenhouse Gas Emissions*. The project would comply with the City's CAP, and *no impact* would occur.

City of Encinitas Draft Multiple Habitat Conservation Program Subarea Plan

The project would avoid direct impacts to sensitive vegetation communities and aquatic resources, as discussed in Section 4.4, *Biological Resources*. As such, compensatory mitigation for habitat loss is not required. The project site and 100-foot buffer area are not located within any hardline or softline FPAs managed by the City; no portions of the project would result in direct or indirect impacts to any FPA. Therefore, the project would be consistent with the goals and objectives of the Draft Subarea Plan, and *no impact* is identified.

4.6.5 Level of Significance before Mitigation

4.6.5.1 Established Community

The project is proposed on a residentially zoned and designated series of parcels that are intended for residential development. The project would not impact an established community because the site previously featured a commercial nursery operation, is currently vacant with no structures, and none of the required site improvements would displace the surrounding residential and commercial development. The project would be an in-fill housing development. Therefore, the project would not physically divide an established community, and *no impacts* are identified.

4.6.5.2 Conflict with Land Use Plan, Policy, or Regulation

The project would be consistent with all applicable General Plan and LCP policies contained in the Land Use, Housing, Resource Management, Noise, Safety and Circulation Elements and would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, *no impact* would occur.

4.6.6 Mitigation Measures

No mitigation measures are required as there would be *no impacts* to an established community.

No mitigation measures are required as there would be *no impacts* to land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.6.7 Level of Significance after Mitigation

The proposed project would not divide an established community and would comply with the City's land use plan, policies and regulations. *No impacts* would occur.

4.7 Noise and Vibration

This section of the EIR evaluates potential noise impacts resulting from implementation of the project. This analysis is based on the *Noise Technical Report* prepared by Dudek (Dudek 2024d). A copy of the report is included in **Appendix E**, *Noise Technical Report*.

4.7.1 Existing Conditions

4.7.1.1 Noise Definitions and Overview of Sound Measurement

Fundamentals of Environmental Noise

Noise is defined as unwanted or annoying sound that interferes with or disrupts normal activities. Exposure to high noise levels has been demonstrated to cause hearing loss. The individual human response to environmental noise is based on the sensitivity of that individual, the type of noise that occurs, and when the noise occurs.

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted (dBA), an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound and twice as loud as a 60 dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (Federal Transit Administration [FTA] 2018).

Sound pressure level is measured on a logarithmic scale, with the 0 dBA level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound pressure level). Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dBA, and a sound that is 10 dBA less than the ambient sound level has no effect on ambient noise. Because of the nature of the human ear, a sound must be about 10 dBA greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1 to 2 dBA changes generally are not perceived.

Sound levels attenuate (or reduce) at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics (Federal Highway Administration [FHWA] 2011). No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. For line sources, an overall attenuation rate of 3 dB per doubling of distance is assumed (FHWA 2011).

In addition to the actual instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise

metrics that considers both duration and sound power level is the equivalent noise level (L_{eq}). The L_{eq} is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). Typically, L_{eq} is summed over a 1-hour period. L_{max} is the highest root mean squared (RMS) sound pressure level within the measuring period, and L_{min} is the lowest RMS sound pressure level within the measuring period.

The time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using day-night average level (L_{dn}), which is the 24-hour average noise level with a 10 dBA penalty for noise occurring during nighttime (10 p.m. to 7 a.m.) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a 5 dBA penalty for noise occurring from 7 p.m. to 10 p.m. and a 10 dBA penalty for noise occurring from 10 p.m. to 7 a.m. Noise levels described by L_{dn} and CNEL usually do not differ by more than 1 dBA. Daytime L_{eq} levels are louder than L_{dn} or CNEL levels; thus, if the L_{eq} meets noise standards, the L_{dn} and CNEL are also met.

Noise levels may also be reduced by intervening structures. Generally, a single row of detached buildings between the receptor and the noise source reduces the noise level by approximately 5 dBA (FHWA 2008). A solid wall or berm generally reduces noise levels by approximately 10 to 20 dBA (FHWA 2011). Noise barriers or enclosures specifically designed to reduce site-specific construction noise can provide a sound reduction of 35 dBA or greater (Western Electro-Acoustic Laboratory, Inc. 2000).

The manner in which older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows (California Department of Transportation [Caltrans] 2002). The exterior-to-interior reduction of newer residential units is generally 30 dBA or more (Harris Miller, Miller & Hanson Inc. 2006). Generally, in exterior noise environments ranging from 60 dBA CNEL to 65 dBA CNEL, interior noise levels can be maintained below 45 dBA, a general residential interior noise standard, with the incorporation of an adequate forced air mechanical ventilation system in each residential building and standard thermal-pane residential windows/doors with a minimum rating of Sound Transmission Class (STC) 28.

Examples of typical noise levels for common indoor and outdoor activities are depicted in **Table 4.7-1**, *Typical Sound Levels in the Environment and Industry*.

Sound Propagation

Sound propagation (i.e., the traverse of sound from a noise emission source position to a receiver location) is influenced by multiple factors that include geometric spreading, ground absorption, atmospheric effects, and occlusion by natural terrain and/or features of the built environment.

Sound levels attenuate (or diminish) geometrically at a rate of approximately 6 dBA per doubling of distance from an outdoor point-type source due to the spherical spreading of sound energy with increasing distance travelled. The effects of atmospheric conditions such as humidity, temperature, and wind gradients are typically distance-dependent and can also temporarily either increase or decrease sound levels measured or perceived at a receptor location. In general, the greater the distance the receiver is from the source of sound emission, the greater the potential for variation in sound levels at the receptor due to these atmospheric effects. Additional attenuation can result

TABLE 4.7-1
TYPICAL SOUND LEVELS IN THE ENVIRONMENT AND INDUSTRY

Common Outdoor Activities	Noise Level	Common Indoor Activities
—	110	Rock band
Jet fly over at 1,000 feet	100	—
Gas lawn mower at 3 feet	90	—
Diesel truck at 50 feet, at 50 miles per hour	80	Food blender at 3 feet; garbage disposal at 3 feet
Noisy urban area, daytime; gas lawn mower at 100 feet	70	Vacuum cleaner at 10 feet
Commercial area; heavy traffic at 300 feet	60	Normal speech at 3 feet
Quiet urban, daytime	50	Large business office; dishwasher next room
Quiet urban, nighttime	40	Theater; large conference room (background)
Quiet suburban, nighttime	30	Library
Quiet rural, nighttime	20	Bedroom at night; concert hall (background)
—	10	Broadcast/Recording studio
Lowest threshold of human hearing	0	Lowest threshold of human hearing

SOURCE: Caltrans 2013

from sound path occlusion and diffraction due to intervention of natural (ridgelines, dense forests, etc.) and built features (such as solid walls, buildings and other structures).

Human Response to Change in Noise Levels

Under controlled conditions in an acoustics laboratory, the trained, healthy human ear is able to discern changes in sound levels of 1 dBA when exposed to steady, single-frequency signals in the mid-frequency range. A doubling of sound energy results in a 3 dBA increase in sound, which means that a doubling of sound energy (e.g., doubling the volume of traffic on a road) would result in a barely perceptible change in sound level. A change of 5 dBA is readily perceptible, and a change of 10 dBA is perceived as twice (if a gain) or half (if a loss) as loud.

Fundamentals of Groundborne Vibration

Groundborne vibration is fluctuating or oscillatory motion transmitted through the ground mass (i.e., soils, clays, and rock strata). The strength of groundborne vibration attenuates rapidly over distance. Some soil types transmit vibration quite efficiently; other types (primarily sandy soils) do not.

Vibration energy spreads out as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source. Ambient and source vibration are often expressed in terms of the peak particle velocity (PPV) or root mean square velocity (RMS) in inches per second

(in/sec) that correlates best with human perception. Groundborne vibration can be a concern for nearby neighbors of a transit system route or maintenance facility, causing buildings to shake and rumbling sounds to be heard. In contrast to airborne noise, groundborne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Some common sources of groundborne vibration are trains, buses on rough roads, and construction activities such as blasting, pile-driving and operating heavy earth-moving equipment.

4.7.1.2 Sensitive Receptors

Noise Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses. The nearest sensitive receptors to the project site are the single-family residences immediately adjacent to the western and southern boundaries of the site.

Vibration Sensitive Land Uses

There are three primary types of receivers that can be adversely affected by ground vibration: people, structures, and equipment (Caltrans 2020). Vibration-sensitive land uses include facilities where vibration would interfere with operations within the building, such as vibration-sensitive research and manufacturing, hospitals with vibration-sensitive equipment, and university research operations. The degree of sensitivity to vibration depends on the specific equipment that would be affected by the vibration. Electron microscopes and high-resolution lithography equipment function within certain scientific and manufacturing tolerances that can be compromised in high vibration environments. Certain fragile older or historic buildings may be vulnerable to damage from excessive vibration. Residential uses are also sensitive to excessive levels of vibration of either a regular or an intermittent nature. The nearest existing vibration sensitive land uses in the project vicinity include single-family residences immediately adjacent to the western and southern boundaries of the site.

4.7.1.3 Existing Noise Environment

Primary noise sources in the project vicinity include noise associated with traffic on area roadways, aircraft and helicopter noise, the sounds of leaves rustling, and birdsong. Short-term noise levels in the project vicinity were measured at three locations that represent existing noise-sensitive receptors (**Figure 4.7-1,** *Noise Measurement Locations*). **Table 4.7-2**, *Measured Baseline Outdoor Ambient Noise Levels*, summarizes the measurement details and recorded noise levels. As shown in Table 4.7-2, ambient noise levels ranged from 49.8 dBA L_{eq} adjacent to the project site, south of Ocean Bluff Way (noise measurement site ST1) to 69.6 dBA L_{eq} near the intersection of Encinitas Boulevard and Delphinium Street (noise measurement site ST3). Noise levels directly adjacent to the

Source: Dudek 2024

Figure 4.7-1

Noise Measurement Locations

OCEAN BLUFF RESIDENTIAL EIR

BARANEK
Consulting Group

project site and at the western project boundary (noise measurement sites ST1 and ST2, respectively) are below 60 dBA as these locations are not within close proximity to a major roadway. Noise measurement levels at the intersection of Encinitas Boulevard and Delphinium Street are higher (69.6 dBA) due to the measurement location at the intersection of a major roadway.

TABLE 4.7-2
MEASURED BASELINE OUTDOOR AMBIENT NOISE LEVELS

Site	Location/Address	Date/Time	L_{eq} (dBA)	L_{max} (dBA)
ST1	Adjacent project site, south of Ocean Bluff Way	2023-04-05, 10:25 a.m. to 10:35 a.m.	49.8	62.3
ST2	Western project boundary	2023-04-05, 10:40 a.m. to 10:50 a.m.	54.1	59.7
ST3	Intersection of Encinitas Boulevard and Delphinium Street	2023-04-05, 11:00 a.m. to 11:10 a.m.	69.6	77.9

SOURCE: Dudek 2024d

NOTES: L_{eq} = equivalent continuous sound level (time-averaged sound level); L_{max} = maximum sound level during the measurement interval; dBA = A-weighted decibels; ST = short-term noise measurement locations

The nearest airport to the project site is the McClellan-Palomar Airport, located approximately 5.5 miles north of the project site. The project site is outside of the 60 dBA CNEL contour for the airport (San Diego County Regional Airport Authority 2011).

4.7.2 Regulatory Framework

4.7.2.1 Federal

Federal Transit Administration

In its Transit Noise and Vibration Impact Assessment guidance manual, the FTA recommends a daytime construction noise level threshold of 80 dBA L_{eq} over an 8-hour period (FTA 2018) when detailed construction noise assessments are performed to evaluate potential impacts to community residences surrounding a project. Although this FTA guidance is not a regulation, it can serve as a quantified standard in the absence of such noise limits at the state and local jurisdictional levels.

4.7.2.2 State

California Code of Regulations, Title 24

Title 24 of the California Code of Regulations sets standards that new development in California must meet. According to Title 24, interior noise levels are not to exceed 45 dBA CNEL in any habitable room.

California Department of Health Services Guidelines

The California Department of Health Services has developed guidelines of community noise acceptability for use by local agencies (California Governor's Office of Land Use and Climate Innovation2017). Selected relevant levels are listed here:

- Below 60 dBA CNEL: normally acceptable for low-density residential use
- 60 to 70 dBA: conditionally acceptable for low-density residential use
- Below 65 dBA CNEL: normally acceptable for high-density residential use and transient lodging
- 60 to 70 dBA CNEL: conditionally acceptable for high-density residential, transient lodging, churches, educational, and medical facilities

The normally acceptable exterior noise level for single-family residential use is up to 60 dBA CNEL.

California Department of Transportation

In its Transportation and Construction Vibration Guidance Manual (Caltrans 2013), Caltrans recommends 0.5 inches per second (ips) peak particle velocity (PPV) as a threshold for the avoidance of structural damage to typical newer residential buildings exposed to continuous or frequent intermittent sources of groundborne vibration. For transient vibration events, such as blasting, the damage risk threshold would be 1.0 ips PPV (Caltrans 2013) at the same type of newer residential structures. For older structures, these guidance thresholds would be more stringent: 0.3 ips PPV for continuous/intermittent vibration sources, and 0.5 ips PPV for transient vibration events. With respect to human annoyance, Caltrans guidance indicates that building occupants exposed to continuous groundborne vibration above 0.2 ips PPV would find it "annoying" and thus a likely significant impact. Although these Caltrans guidance thresholds are not regulations, they can serve as quantified standards in the absence of such limits at the local jurisdictional level.

4.7.2.3 Local

City of Encinitas General Plan and Local Coastal Plan

The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The Noise Element of the General Plan contains the following relevant goals and policies for the project related to noise:

GOAL 1: Provide an acceptable noise environment for existing and future residents of the City of Encinitas.

Policy 1.7: Apply Title 24 of the California Administrative Code, associated with noise insulation standards, to single-family dwellings.

GOAL 2: Require that new development be designed to provide acceptable indoor and outdoor noise environments.

Policy 2.1: The Noise and Land Use Compatibility Guidelines and the accompanying discussion set forth the criteria for siting new development in the City of Encinitas. Any project which would be located in a normally unacceptable noise exposure area, based on the Land Use Compatibility Guidelines, shall require an acoustical analysis. Noise mitigation in the future shall be incorporated in the project as needed. As a condition of approval of a project, the City may require post-construction noise monitoring and sign off by an acoustician to ensure that City requirements have been met.

GOAL 3: Ensure that residents are protected from harmful and irritating noise sources to the greatest extent possible.

Policy 3.1: The City will adopt and enforce a quantitative noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the City of Encinitas. Examples of the types of noise sources that can be controlled through the use of a quantitative noise ordinance are barking dogs, noisy mechanical equipment such as swimming pool and hot tub pumps, amplified music in commercial establishments, etc.

GOAL 4: Provide for measures to reduce noise impacts from stationary noise sources.

Policy 4.1: Ensure inclusion of noise mitigation measures in the design and operation of new and existing development.

In addition, the Noise Element addresses nuisance noise and states that it should be unlawful for any person to make or continue any loud, unnecessary noise that causes annoyance to any reasonable person of normal sensitivity.

Encinitas Municipal Code

The EMC establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's residents or degrade their quality of life. Chapter 9.32, *Noise Abatement and Control*, and Chapter 30.40, *Performance Standards*, establish property line noise level limits. These limits apply to existing uses but also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels. Chapter 9.32.410 states that it shall be "unlawful for any person, including the City, to operate construction equipment at any construction site on Sundays, and days appointed by the President, Governor, or the City Council for a public fast, thanksgiving, or holiday. Notwithstanding the above, a person may operate construction equipment on the above specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes."

The property line noise limits are summarized in **Table 4.7-3**, *City of Encinitas Exterior Noise Limits*. As stated in Chapter 30.40.10, "Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone."

TABLE 4.7-3
CITY OF ENCINITAS EXTERIOR NOISE LIMITS

Adjacent Zone	Noise Level (dBA)	
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
Rural Residential (RR), Rural Residential-1 (RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

SOURCE: Dudek 2024d

4.7.3 Thresholds and Methodology

4.7.3.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a significant noise impact would occur if the project results in any of the following:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Generation of excessive groundborne vibration or groundborne noise levels.
- Exposure of people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport).

In light of the significance criteria, the project noise analysis uses the following standards to evaluate potential noise and vibration impacts:

- **Construction noise** – EMC Chapter 9.32.410 outlines requirements for construction work hours and noise levels. The Encinitas Noise Ordinance states that no construction work shall be performed before 7:00 a.m. or after 7:00 p.m. on Monday through Saturday, and it is prohibited on Sundays and City holidays. Construction activity must not cause an hourly average sound level greater than 75 decibels over an 8-hour period on property zoned or used for residential purposes. An exception is made for individuals performing construction work on their own property for non-commercial purposes, allowing such activities between 10:00 a.m. and 5:00 p.m. on Sundays and City holidays.

In accordance with the Encinitas Noise Ordinance, the project noise impact analysis uses 75 dBA as the construction noise impact criterion over an hourly average during permitted daytime hours.

- **Off-site project-attributed transportation noise** – For purposes of the project noise impact analysis, a direct roadway noise impact would be considered significant if increases in roadway traffic noise levels attributed to the project were greater than 3 dBA CNEL at an existing noise-sensitive land use.
- **Off-site project-attributed stationary noise** – For purposes of the project noise impact analysis, a noise impact would be considered significant if noise from typical operation of heating, ventilation, and air conditioning and other electro-mechanical systems associated with the project exceeded 50 dBA hourly L_{eq} at the property line from 7:00 a.m. to 9:59 p.m., and 45 dBA hourly L_{eq} from 10:00 p.m. to 6:59 a.m.
- **Construction vibration** – Guidance from Caltrans indicates that a vibration velocity level of 0.2 ips PPV for continuous and intermittent vibration sources received at a structure would be considered annoying by occupants within (Caltrans 2020). As for the receiving structure itself, Caltrans guidance recommends that a vibration level of 0.3 ips PPV for continuous and intermittent vibration sources would represent the threshold for building damage risk to an older residential structure.

For purposes of disclosure, since current CEQA noise criteria do not consider it, the project noise impact analysis also evaluates compatibility of on-site noise exposure levels (e.g., from roadway traffic) with the City's exterior and interior noise standards of 65 dBA CNEL and 45 dBA CNEL, respectively.

4.7.3.2 Methodology

Noise Measurements

Noise measurements were conducted near the project site on April 5, 2023, to quantify and characterize the existing outdoor ambient sound levels. Table 4.7-2 provides the location, date, and time period at which these baseline noise level measurements were performed.

Construction Noise Modeling

A Microsoft Excel–based noise prediction model emulating and using reference data from the Federal Highway Administration Roadway Construction Noise Model (RCNM) (FHWA 2008) was used to estimate construction noise levels at the nearest occupied noise-sensitive land use. Although the RCNM was funded and promulgated by the Federal Highway Administration, it is often used for non-roadway projects, because the same types of construction equipment used for roadway projects are often used for other types of construction.) Input variables for the predictive modeling consist of the equipment type and number of each (e.g., two graders, a loader, a tractor), the "acoustical usage factor" (AUF) for each piece of equipment (e.g., percentage of time within a specific time period, such as an hour, when the equipment is expected to operate at full power or capacity and thus make noise at a level comparable to what is presented in Table 4.7-4 below), and the distance from the noise-sensitive receiver. The predictive model also considers how many hours that equipment may be on site and operating (or idling) within an established work shift. The RCNM has default AUF values for

various pieces of construction equipment and vehicles, which were derived from an extensive study of typical construction activity patterns and thus considered appropriate for use in the noise analysis.

Traffic Noise Modeling

Potential noise effects from vehicular traffic were assessed using the FHWA's Traffic Noise Model (TNM) version 2.5 (FHWA 2004). Information used in the model included the roadway geometry, existing (year 2023) and existing plus project traffic volumes and posted traffic speeds. Noise levels were modeled at representative noise-sensitive receivers ST1, ST2, and ST3 as shown in Figure 4.7-1. The receivers were modeled to be five feet above the local ground elevation. In addition, the FHWA TNM software was also used to predict the existing-with-project scenario traffic noise levels at multiple on-site exterior areas that include representative positions for the exteriors of positions of five of the proposed project building facades.

4.7.4 Impact Analysis

4.7.4.1 Impact 4.7-1: Ambient Noise Levels

Construction

Construction of the project would require demolition activities, site clearing, grading, installation of underground utilities and infrastructure, construction of new buildings, paving, and application of architectural coatings. These activities would generate elevated noise levels for nearby residences, including those directly adjacent to the project boundary to the west and south. The magnitude of the noise impact would depend on the type of construction activity, equipment, duration of each construction phase, distance between the noise source and receiver, and any intervening structures. All construction equipment would not operate at the same time, would be located throughout the project site, and would therefore not remain at the same distance to nearby residences during the entirety of daily construction activities. **Table 4.7-4**, *Construction Equipment Maximum Noise Levels*, provides the typical noise levels for various construction equipment anticipated to be used for general construction activities at a 50-foot distance. The equipment noise levels presented in Table 4.7-4 are maximum noise levels. Usually, construction equipment operates in alternating cycles of full power and low power, producing average noise levels over time that are less than the maximum noise levels identified in the table.

Estimated construction noise levels were modeled for the project site, and the results are presented in **Table 4.7-5**, *Predicted Construction Noise Levels per Activity Phase at Sensitive Noise Receptors*. As shown in Table 4.7-5, noise levels for construction activities occurring adjacent to the western and southern project boundaries at the nearest existing residences (located at a distance of 20 feet) is up to 88 dBA over an 8-hour period for demolition and grading activities. Other construction phases would produce noise levels ranging from 79 dBA (for architectural coatings) to 86 dBA (for site preparation activities) at the nearest sensitive receptor. Additionally, for construction activities occurring at the center of the site, noise levels at the nearest sensitive receptors would range from 65 dBA for architectural coating up to 79 dBA for grading activities. Refer to the project *Noise Technical Report* (Appendix E) for additional details regarding the modeling inputs and scenarios. EMC Chapter 9.32, *Noise Abatement and Control*, establishes a daytime threshold for construction noise levels of 75 dBA. Proposed construction activities associated with the project would exceed the

City's threshold of 75 dBA, with the highest construction noise level modeled at 88 dBA, which exceeds the City's threshold by 13 dBA. Construction noise levels would result in a potentially significant noise impact for short-term construction activities.

TABLE 4.7-4
CONSTRUCTION EQUIPMENT MAXIMUM NOISE LEVELS

Equipment Type	Typical Equipment (L_{max}, dBA at 50 feet)
All Other Equipment > 5 HP	85
Backhoe	78
Concrete Saw	90
Compressor (air)	78
Crane	81
Dozer	82
Excavator	81
Flat Bed Truck	74
Front End Loader	79
Generator	72
Grader	85
Man Lift	75
Paver	77
Roller	80
Scraper	84
Welder/Torch	73

SOURCE: Dudek 2024d

TABLE 4.7-5
PREDICTED CONSTRUCTION NOISE LEVELS PER ACTIVITY PHASE AT SENSITIVE NOISE RECEPTORS (8-HOUR L_{EQ})

Construction Phase (and Equipment Types Involved	Nearest Noise-Sensitive Receptor to Construction Site Boundary (dBA)	Nearest Noise-Sensitive Receptor to Acoustical Centroid of Site (dBA)	Exceeds Hourly L_{eq} 75 dBA Over an 8-hour Period
Demolition (concrete saw, excavator, dozer)	**88**	**77**	Yes (both locations)
Site Preparation (dozer, backhoe)	**86**	**76**	Yes (both locations)
Grading (excavator, grader, dozer, scraper, backhoe)	**88**	**79**	Yes (both locations)
Building Construction (crane, man-lift, generator, backhoe, welder)	**85**	73	Yes (for nearest receptors to construction site boundary)
Paving (paver, roller, concrete mixer truck)	**85**	73	Yes (for nearest receptors to construction site boundary)
Architectural Coating (compressor)	**79**	65	Yes (for nearest receptors to construction site boundary)

SOURCE: Dudek 2024d

NOTE: **Bolded** numbers indicate an exceedance of the City's hourly 75 dBA threshold.

ABBREVIATIONS: L_{eq} = equivalent noise level; dBA = A-weighted decibels

Operation

Off-Site Traffic Noise Exposure

The project would result in the generation of additional vehicle trips on local arterial roadways, including Westlake Street and Requeza Street (LOS Engineering 2024a), which could result in increased traffic noise levels at adjacent noise-sensitive land uses (i.e., residences). The estimated trip generation associated with the project is 270 average daily trips (ADT). Noise associated with project traffic was modeled at the three noise measurement locations representing noise-sensitive receivers for the project (refer to Figure 4.7-1). The results of the modeling are summarized in **Table 4.7-6**, *Roadway Traffic Noise Modeling Results*. As shown in Table 4.7-6, traffic generated from the project (270 ADT) would not increase existing noise levels at any of the three modeled locations. As such, the project would not exceed the 3 dBA CNEL threshold for traffic noise increases and *no impact* associated with off-site traffic noise exposure would occur.

TABLE 4.7-6
ROADWAY TRAFFIC NOISE MODELING RESULTS

Modeled Receiver No.	Existing (2022) Noise Level (dBA CNEL)	Existing with Project Noise Level (dBA CNEL)	Maximum Project-Related Noise Level Increase (dBA)
ST1	43.3	43.3	0.0
ST2	48.1	48.1	0.0
ST3	69.2	69.2	0.0

SOURCE: Dudek 2024d

ABBREVIATIONS: dBA = A-weighted decibel; CNEL = community noise equivalent level; dB = decibel

On-site Stationary Noise Sources

During long-term operation of the project, noise would be generated from stationary noise sources, such as residential unit heating, ventilation and air conditioning (HVAC) systems. The closest existing noise-sensitive residential receptor to the west of the project site would be 40 feet from the nearest HVAC condenser unit, which would be expected to have a noise level of 68 dBA at 3 feet, based on manufacturer specifications. The predicted sound emission level from the combination of all operating condenser units as received by the off-site single-family home to the west of the project would be 45 dBA L_{eq}, which would be compliant with the City's nighttime threshold of 45 dBA hourly L_{eq}. As such, the operation of HVACs at the project site would result in a *less than significant* noise impact.

4.7.4.2 Groundborne Vibration

Construction activities may expose persons to excessive groundborne vibration or groundborne noise, causing a potentially significant impact. Caltrans has collected groundborne vibration information related to construction activities (Caltrans 2020). Information from Caltrans indicates that continuous vibrations with a PPV of approximately 0.2 ips is considered annoying. For context, heavier pieces of construction equipment, such as a bulldozer that may be expected on the project site, have peak particle velocities of approximately 0.089 ips or less at a reference distance of 25 feet (DOT 2006).

Groundborne vibration attenuates rapidly, even over short distances. The attenuation of groundborne vibration as it propagates from source to receptor through intervening soils and rock strata can be estimated with expressions found in FTA and Caltrans guidance. By way of example, for a bulldozer operating on site and as close as the western and southern project boundaries (i.e., 20 feet from the nearest occupied property) the estimated vibration velocity level would be 0.12 ips, which is less than the 0.2 ips PPV guidance-based limit, and the impact of vibration-induced annoyance to occupants of nearby existing homes would be *less than significant*.

Construction vibration, at sufficiently high levels, can also present a building damage risk. However, anticipated construction vibration associated with the project would yield levels of 0.12 ips, which do not surpass the guidance limit of 0.3 ips PPV for building damage risk to older residential structures (Caltrans 2020). Because the predicted vibration level at 20 feet is less than this guidance limit, the risk of vibration damage to nearby structures is considered *less than significant*.

The residential uses of the project do not include major producers of groundborne vibration. Anticipated mechanical systems like HVAC units are designed and manufactured to feature rotating (fans, motors) and reciprocating (compressors) components that are well-balanced with isolated vibration within or external to the equipment casings. On this basis, potential vibration impacts due to proposed project operation would be *less than significant*.

4.7.4.3 Airport Noise

The project site is not within two miles of any public or private airport. The closest airport to the project site is the McClellan-Palomar Airport, located at a distance of approximately 5.5 miles from the site. The project site is not within the 60 dBA CNEL contour of McClellan-Palomar Airport or for any other airport. As such, the project would not result in the exposure of people residing or working at the project site to excessive noise levels associated with aircraft operations. *No impact* from aviation overflight noise exposure would occur.

4.7.5 Level of Significance before Mitigation

4.7.5.1 Ambient Noise Levels

The project would result in *potentially significant* noise impacts during construction activities. Operational noise impacts would be *less than significant*.

4.7.5.2 Groundborne Vibration

The project would result in *less-than-significant* groundborne vibration impacts.

4.7.5.3 Airport Noise

The project would not result in impacts from aviation overflight noise exposure. *No impact* would occur.

4.7.6 Mitigation Measures

4.7.6.1 Ambient Noise Levels

The following mitigation measure shall be implemented by the project to minimize short-term construction noise impacts to ambient noise in the project area:

> **Mitigation Measure NOI-1: Construction Noise Control.** The project applicant or its contractor shall prepare a construction noise control plan for review and approval by the City of Encinitas Development Services Department. The plan shall include the following measures for onsite noise control and sound abatement that, in aggregate, would yield a minimum of approximately 13 dBA of construction noise reduction during the construction phase of the project:
>
> - Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property), including, but not limited to:

  - Prohibiting unnecessary idling of internal combustion engines.
  - Locating stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors.
  - Notifying of all adjacent residences of the construction schedule, in writing, and providing a written schedule of "noisy" construction activities to the adjacent and nearby residences at least 24 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification should include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the project site. The notification should include the telephone number and/or contact information for the on-site noise control coordinator that neighbors can use for inquiries and/or to submit complaints associated with construction noise.
  - Designation of a noise control coordinator who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]), including, but not limited to:
  - Equipping of all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - Electrical power shall be used to run air compressors and similar power tools, where feasible.
  - Internal combustion engines shall be equipped with a muffler of a type recommended by the manufacturer and in good repair.
  - Utilization of "quiet" air compressors and other stationary noise sources where technology exists.
- Installation of a temporary, 8-foot-high noise abatement fence on the site boundary (or within, as practical and appropriate) in the form of flexible sound blankets or comparable solid barriers (e.g., rigid plywood sheeting) to occlude construction noise emissions between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern. Such temporary barriers shall demonstrate a sound transmission class (STC) rating of at least 20 and shall be installed in a manner that eliminates air gaps between adjoining element edges and the ground surface.

4.7.6.2 Groundborne Vibration

No mitigation measures are required for impacts associated with groundborne vibration.

4.7.6.3 Airport Noise

No mitigation measures are required for impacts associated with aviation overflight noise exposure.

4.7.7 Level of Significance after Mitigation

4.7.7.1 Ambient Noise Levels

Implementation of Mitigation Measure NOI-1 would reduce significant impacts to sensitive noise receptors during construction activities to a *less-than-significant* level. **Table 4.7-7**, *Mitigated Construction Equipment Levels per Activity Phase at Sensitive Noise Receptors*, estimates noise levels for construction activities occurring adjacent to the western and southern project boundaries at the nearest existing residences (located at a distance of 20 feet) and at the center of the site, with mitigation. As shown in Table 4.7-7, with the implementation of Mitigation Measure NOI-1 noise levels would be reduced to levels ranging from 66 dBA (for architectural coatings) to 75 dBA (for demolition activities) at construction site boundaries as shown in the second column of the table, and would be reduced to levels ranging from 53 dBA (for architectural coatings) to 68 dBA (for grading activities) for construction activities at the center of the site, as shown in the fourth column of the table.

TABLE 4.7-7
MITIGATED CONSTRUCTION EQUIPMENT NOISE LEVELS PER ACTIVITY PHASE SENSITIVE NOISE RECEPTORS (8-HOUR L_{EQ})

Construction Phase and Equipment Types Involved	Nearest Noise-Sensitive Receptor to Construction Site Boundary (dBA) (No Mitigation)	Nearest Noise-Sensitive Receptor to Construction Site Boundary (dBA) (with Mitigation)	Nearest Noise-Sensitive Receptor to Acoustical Centroid of Site (dBA) (No Mitigation)	Nearest Noise-Sensitive Receptor to Acoustical Centroid of Site (dBA) (with Mitigation)
Demolition (concrete saw, excavator, dozer)	88	75	77	66
Site Preparation (dozer, backhoe)	86	73	76	65
Grading (excavator, grader, dozer, scraper, backhoe)	88	75	79	68
Building Construction (crane, man-lift, generator, backhoe, welder)	85	71	73	61
Paving (paver, roller, concrete mixer truck)	85	72	73	61
Architectural Coating (compressor)	79	66	65	53

SOURCE Dudek 2024d

ABBREVIATIONS: L_{eq} = equivalent noise level; dBA = A-weighted decibels

4.7.7.2 Groundborne Vibration

No mitigation measures are required for impacts associated with groundborne vibration. Impacts would be *less than significant*.

4.7.7.3 Airport Noise

No mitigation measures are required to reduce impacts associated with aviation overflight noise exposure. *No impact* would occur.

4.8 Transportation

This section of the EIR evaluates potential impacts on the transportation system resulting from implementation of the project. This section identifies the existing transportation conditions in the project vicinity, outlines applicable regulations; analyzes environmental impacts of the project, and recommends mitigation measures, if applicable, to reduce or avoid identified adverse impacts. The analysis is based, in part, on a *Vehicle Miles Traveled (VMT) Analysis* (LOS Engineering 2024a) prepared for the project. The report is included in the EIR as **Appendix F**, *Vehicle Miles Traveled Analysis*.

The VMT Analysis examines project-related VMT impacts for determining transportation impacts pursuant to Senate Bill (SB) 743 (described below in Section 4.8.2, *Regulatory Framework*). With implementation of SB 743, automobile delay, as measured by level of service (LOS) is not considered a potentially significant effect on the environment.

4.8.1 Existing Conditions

4.8.1.1 Existing Circulation System

The project site is located at 501 Ocean Bluff Way. Ocean Bluff Way is a small residential street, approximately 870 feet in length that runs in a west/east orientation. At the western end of the street, there is a 90-degree turn in the road, with approximately 370 additional feet of the street that runs in a north–south orientation and ends in a cul-de-sac. Ocean Bluff Way is not a circulation element roadway. It consists of one travel lane in each direction, with a sidewalk on the south and east sides of the road.

Regional access to the project site is provided via Interstate 5 (I-5), which is located approximately 0.6 miles west of the site. Encinitas Boulevard, which is located adjacent to the north of the site, provides access from I-5 to roadways in the area. Access to the project vicinity from I-5 also occurs at Sante Fe Drive, approximately 0.8 miles southwest of the project. Circulation element roadways providing access in the project vicinity include Nardo Road (from Requeza Street to Santa Fe Drive), Requeza Street (from Westlake Street to Nardo Road), and Westlake Street (Encinitas Boulevard to Requeza Street). Each of these three roadways are classified as a *Local Street* in the Circulation Element, consisting of 2-lane roadways with one travel lane in each direction. Non-circulation element roadways provide access to the project site, including Requeza Street east of Nardo Road, Camino De Orchidia, Camino El Dorado, and Ocean Bluff Way. Each of these roadways are two lanes, with one travel lane in each direction. There is no direct access from Encinitas Boulevard to the project site.

4.8.1.2 Transit Service

Bus and rail services in the City are provided by the North County Transit District (NCTD) and the Metropolitan Transit Service. Bus services include Breeze and rail services include the Coaster. In the project vicinity, bus service routes occur on Encinitas Boulevard (which is adjacent to the north of the project site), on Sante Fe Drive (located 0.7 miles south of the project site) and along El Camino Real (located 0.8 miles east of the project site). Bus routes 304, 309, and 609 serve portions of Encinitas Boulevard, Routes 304 and 604 include portions of Sante Fe Drive, and Routes 304, 309, and 609 run along portions of El Camino Real in the project vicinity. There are no transit routes or

stops along Ocean Bluff Way, or along other nearby roadways including Camino De Orchidia, Camino El Dorado, or Requeza Street.

4.8.1.3 Bicycle and Pedestrian Facilities

The City's Active Transportation Plan (ATP; City 2018a) identifies existing pedestrian and bicycle facilities in the City. In the immediate project vicinity, pedestrian facilities consisting of an existing trail or sidewalk is present along Encinitas Boulevard, as well Camino De Orchidia, Camino El Dorado, a small segment of Requeza Street between Camino De Orchidia and Camino El Dorado, and along Ocean Bluff Way. Bicycle facilities in the project area consist of a Class II Bicycle Lane along Encinitas Boulevard and a Class II Bicycle Lane along Westlake Street. Class II Bicycle Lanes are one-way facilities within roadways placed next to the curb or parking lane for preferential use by bicyclists within the paved area of streets. They are designated by striping, pavement markings, and signage. A Class III Bikeway exists on Requeza Street (between Westlake Street and Nardo Road) and on Nardo Road (between Requeza Street and Santa Fe Drive). A Class III facility is where bicycles and vehicles share the same lane, often times marked with shared lane markings such as a sharrow.

4.8.2 Regulatory Framework

4.8.2.1 State

Senate Bill 375

Adoption of SB 375 in 2008 encouraged land use and transportation planning decisions and investments that reduce VMT and contribute to the reduction of GHG emissions, as required by the California Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32). SB 375 provides a planning process that coordinates land use planning, regional transportation plans, and funding priorities to help California meet GHG reduction goals established in AB 32. SB 375 requires regional transportation plans, developed by metropolitan planning organizations (MPOs) to incorporate a "Sustainable Communities Strategy" (SCS) in its regional transportation plan (RTP). The SCS is intended to demonstrate how the coordination of land use and transportation planning efforts may achieve GHG emissions reduction targets set by AB 32. If an SCS cannot achieve the GHG emissions target, the Metropolitan Planning Organization (MPO) is required to adopt an "alternative planning scenario" that will demonstrate what would need to be done to achieve the GHG emissions reduction target and to define the barriers to accomplishing the reduction.

Assembly Bill 1358

AB 1358 (Complete Streets Act), enacted on January 1, 2011, requires local governments to plan for a balanced, multi-modal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, seniors, persons with disabilities, and users of public transportation. The bill imposes a state-mandated local program.

Senate Bill 743

SB 743, which was codified in Public Resources Code Section 21099 on September 27, 2013, required changes to the guidelines implementing California Environmental Quality Act (CEQA) regarding the

analysis of transportation impacts. Specifically, SB 743 required the Governor's Office of Planning and Research (OPR; now named the Governor's Office of Land Use and Climate Innovation) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must promote the reduction of greenhouse gas emissions, the development of multi-modal transportation networks, and a diversity of land uses. To that end, OPR published its *Technical Advisory on Evaluating Transportation Impacts in CEQA* in December 2018, and the California Natural Resources Agency has certified and adopted changes to the CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines, automobile delay, as measured by LOS and other similar metrics, are no longer the basis for determining a significant environmental effect under CEQA. OPR's *Technical Advisory on Evaluating Transportation Impacts in CEQA* states "As noted above, lead agencies have the discretion to set or apply their own thresholds of significance."

4.8.2.2 Regional

2021 Regional Plan: San Diego Forward

The San Diego Association of Governments (SANDAG) Board of Directors adopted the Final 2021 Regional Plan in December 2021. The 2021 Regional Plan provides a long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources. The plan combines the RTP, SCS, and Regional Comprehensive Plan. The 2021 Regional Plan contains the following goals in support of its vision for a fast, fair, and clean transportation system and a resilient region:

- The efficient movement of people and goods
- Access to affordable, reliable, and safe mobility options
- Healthier air and reduced GHG emissions

Projects, policies, and programs developed to achieve the 2021 Regional Plan's goals are organized around three core strategies: a reimagined transportation system, sustainable growth and development, and innovative demand and system management.

The 2021 Regional Plan provides guidance for investing an estimated $208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. It plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of SB 375 and as noted above, the plan includes a SCS that provides regional guidance for reduction of GHG emissions to state mandated levels over upcoming years.

4.8.2.3 Local

City of Encinitas General Plan and Local Coastal Program

The City's General Plan is the blueprint for the long-range physical planning of the City. The General Plan contains goals and policies designed to shape the long-term development of the City and protect its environmental, social, cultural, and economic resources. The General Plan consists of an integrated and internally consistent set of goals, policies, and standards that address land use, circulation, housing, noise, safety, recreation, conservation and open space.

The General Plan Circulation Element, amended in 2018, is to establish a sound, safe, and sensible circulation system which promotes the efficient movement of people and goods in and around the City. The Circulation Element also establishes policies and programs which will ensure that all components of the system meet the City's future transportation needs. The Circulation Element identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public utilities and facilities, all correlated with the Land Use Element of the General Plan. The Circulation Element also addressed the circulation improvements needed to relieve congestion, to provide mass transit services, and to lessen long-term air quality impacts related to transportation.

The Circulation Element is undergoing an update, which began in Spring 2021 and would include renaming the Circulation Element as the Mobility Element. This update creates framework to implement SB 743 and will consolidate policies from various strategic, community, and neighborhood plans, such as the CAP, ATP, Rail Corridor Vision Study, and others, into one cohesive, citywide framework (City 2024a).

The relevant goals and policies of the currently approved Circulation Element include the following:

> GOAL 1: Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character. (Public Resources Code § 30252)
>
> > POLICY 1.2: Endeavor to maintain Level of Service C as a basic design guideline for the local system of roadways understanding that the guideline may not be attainable in all cases.
> >
> > POLICY 1.3: Prohibit development which results in Level of Service E or F at any intersection unless no alternatives exist, and an overriding public need can be demonstrated.
> >
> > POLICY 1.10: Encourage the design of roads and traffic controls to optimize safe traffic flow by minimizing turning, curb parking, uncontrolled access, and frequent stops.
> >
> > POLICY 1.15: The City will actively support an integrated transportation program that encourages and provides for mass transit, bicycle transportation, pedestrians, equestrians, and carpooling. (Public Resources Code § 30252)
> >
> > POLICY 1.17: Standards shall be established and implemented to provide for adequate levels of street lighting, based on criteria of safety and related to volumes of vehicular, pedestrian and bicycle activity and potential points of conflict. Such standards shall be designed to respect different community and neighborhood needs for lighting, different community standards for design and special attention given to preservation of dark sky.

GOAL 2: The City will make every effort to develop a varied transportation system that is capable of serving both the existing population and future residents while preserving community values and character. (Public Resources Code §§ 30252/30253)

POLICY 2.2: Require new residential development to have roadways constructed to City standards before the roads can be dedicated to the City.

POLICY 2.3: Design the circulation system serving new development in such a way to minimize through traffic in all residential neighborhoods.

POLICY 2.8: Where necessary, require acquisition of right-of-way as a condition of approval of all final subdivision maps. Encourage landscaping of rights-of-way if not being used for public roads, hiking/riding trails, or beach access trails.

POLICY 2.10: Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate. (Public Resources Code § 30252)

POLICY 2.13: Encourage landscaped medians and parkways on all roadways where practical.

GOAL 3: The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile. (Public Resources Code § 30252)

POLICY 3.1: The needs of the handicapped will be considered in new development plans including handicapped parking, loading, etc.

GOAL 7: Every effort will be made to have new development, both in the City and in the region, provide for all costs of the incremental expansion of the circulation system necessary to accommodate that development. Costs include, but are not limited to, costs of right-of-way and construction, including costs of moving utilities and structures, and costs for landscaping and intersection improvement.

POLICY 7.1: The City shall seek to recover circulation system expansion costs from all available sources, without limitations, including development fees for projects both inside and outside the City limits.

City of Encinitas Active Transportation Plan (ATP)

The ATP updates and consolidates the City's active transportation planning efforts (the previous Bikeway Master Plan, the "Let's Move Encinitas Pedestrian and Safe Routes to School Plan", and the Trails Master Plan) to better address local travel needs, crosstown, and regional biking and pedestrian travel. Plan objectives include establishing bicycling and walking facility types and identifying connections between the City's bikeway system and the regional system. The ATP documents and evaluates the City's existing bikeway facility system and its relationship with other systems such as public transit, and recommends access to transit improvements, where appropriate. The ATP recommended bikeway and walkway systems throughout the City. In the vicinity of the project site, the following improvements are recommended:

- A Class I multi-use path and Class IIB (buffered) Bicycle Lane along Encinitas Boulevard;
- A Class II Bicycle Lanes along Westlake and Requeza Streets; and
- Proposed trail/sidewalk along Westlake and Requeza Streets.

Encinitas City Council Ordinance 2019-24

Title 24, *Subdivisions*, and Title 30, *Zoning*, of the Encinitas Municipal Code (EMC) were amended by Ordinance 2019-24. These amendments were made to provide consistent language for the requirements of pedestrian and bicycle connectivity with the objective of maintaining and/or enhancing further connectivity and circulation of pedestrian, bicycle, and vehicular transport. These amendments are applied to all areas and zones within the City, including when a subdivision is or is not required as part of a development application.

City of Encinitas SB 743 VMT Analysis Guidelines

The City of Encinitas SB 743 VMT Analysis Guidelines were adopted by the City Council on November 8, 2023. To comply with the requirements of SB 743, the City has identified VMT analysis methodology, established VMT thresholds for CEQA transportation impacts, and identified possible mitigation strategies. A detailed transportation VMT analysis is required for all land development projects, except those that meet at least one of the screening criteria, including small project daily vehicle trip screening, projects located in a transit-accessible area, projects in a VMT-efficient area, locally serving retail projects, locally serving public facilities, redevelopment projects with a lower total VMT, and affordable housing projects. VMT thresholds of significance are established for land development projects that do not screen out of a detailed evaluation. The City's VMT Guidelines also contain VMT analysis requirements for transportation projects, VMT reduction strategies and mitigation measures, and guidance for cumulative VMT analysis. Projects that have been deemed complete prior to the adoption of the City's VMT guidelines are not subject to the requirements of the VMT Analysis Guidelines, unless the project description has changed such that impacts need to be reassessed.

4.8.3 Thresholds and Methodology

4.8.3.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a significant impact associated with transportation would occur if implementation of the proposed project would:

- Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) regarding VMT (utilizing San Diego Institute of Transportation Engineers VMT threshold of 1,000 Average Daily Trips).
- Substantially increase hazards due to a geometric design feature (e.g., harp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

4.8.3.2 Methodology

VMT Analysis

As discussed in Section 4.8.2.1, the OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* states on page 8, "As noted above, lead agencies have the discretion to set or apply their own thresholds of significance." The project was deemed complete by the City on October 12, 2023, which was before the City Council passed the current City of Encinitas SB 743 VMT Analysis Guidelines on November 8, 2023. Because the VMT analysis for the project was completed prior to the adoption of the City's VMT Analysis Guidelines, City Engineering Staff requested that the project VMT analysis be based on the local San Diego Institute of Transportation Engineers (ITE) *Guidelines for Traffic Impact Studies in the San Diego Region* (ITE 2019). The 2019 San Diego ITE guidelines state that projects with less than 1,000 Average Daily Trips (ADT) that are consistent with the zoning are presumed to have *less-than-significant* VMT impacts.

Project Traffic Generation

Project traffic generation was calculated using SANDAG trip rates from the *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (SANDAG 2002). The traffic generation rate for single family homes is 10 trips per dwelling unit. With 27 single-family units proposed, project traffic generation is calculated at 270 ADT, with 21 trips occurring in the AM peak hour (6 inbound and 15 outbound) and 27 trips occurring in the PM peak hour (19 inbound and 8 outbound) (LOS Engineering 2024a).

4.8.4 Impact Analysis

4.8.4.1 Impact 4.8-1: Conflicts with Circulation System Program, Plan, Ordinance or Policy

The project does not propose any features inconsistent with applicable policies of the City's General Plan Circulation Element, as discussed below and in Section 4.6, *Land Use and Planning*.

The project design minimizes turning, curb parking, uncontrolled access, and frequent stops by constructing frontage improvements along Ocean Bluff Way and a private access road that contains off-street parking; therefore, it would not conflict with Policy 1.10 of the City's General Plan Circulation Element, which encourages minimizing turning, curb parking, uncontrolled access, and frequent stops. Pedestrian access would be provided as part of frontage improvements along Ocean Bluff Way, consistent with Policy 1.15. The project would not interfere with mass transit, bicycle, or equestrian transportation as there are no mass transit routes, bicycle paths, or equestrian paths on or directly adjacent to the project site, and no changes to such facilities are proposed. The project proposes the placement of street lighting within the private drive on the project site. Six pole lights are proposed and would comply with the requirements of the Encinitas Municipal Code, Section 30.040.010. The lights would be fully shielded with all light directed downwards and no upward light trespass and are dark-sky compliance (Visual Concepts Lighting 2024); thus, the project would not conflict with Circulation Element Policy 1.17.

The private roadway through the project would be constructed to applicable City and Fire Department standards and the single loop private drive would serve the new development and minimize through traffic in residential neighborhoods, consistent with Policies 2.2 and 2.3 of the General Plan. The project would widen the existing 26-foot-wide Ocean Bluff Way by 3.5 additional feet for a total paved width of 30 feet along the project site's approximately 440-foot frontage. Within the new 15-foot-wide parkway proposed on the north side of Ocean Bluff Way, the project would install new curb and gutter, sidewalk, pedestrian curb ramps and landscaping with street trees along the widened road to allow for pedestrian movement. Striping improvements would be implemented within the road. Entry signage and advanced curve warning signs would also be installed near the southeastern driveway location. A public street right-of-way dedication along the project's frontage with Ocean Bluff Way and a public easement over the private street (for road and utility purposes) would occur as part of the project. A landscape plan is reviewed and approved by the City prior to the issuance of permits, ensuring compliance with Policies 2.8, 2.10, and 2.13 of the General Plan. All improvements would be required to comply with the EMC and the Americans with Disabilities Act (ADA), thus, ensuring that the needs of the handicapped would be considered in the project development plans, consistent with Policy 3.1 of the General Plan.

The project would not conflict with plans or policies regarding existing or proposed transit, bicycle, and pedestrian facilities in the project vicinity, as there are no mass transit routes, bicycle paths, or equestrian paths on or directly adjacent to the project site and no changes to such facilities are proposed. Therefore, the project would not conflict with Policy 1.15. The project area is served by transit, as discussed in Section 4.8.1.2, *Transit Service*. The project does not propose any transit improvements, nor would the project adversely affect operation of or future access to existing bus and rail facilities in the area. The project includes minor widening and frontage improvements along Ocean Bluff Way, including curb, gutter, sidewalk, pedestrian ramps, and landscaping. All pedestrian facilities would meet ADA requirements and adhere to City design guidelines. The proposed frontage improvements would allow for connectivity with an existing pedestrian ramp at the east end of Ocean Bluff Way. The project would not remove any bicycle and pedestrian facilities, nor would it conflict with planned facilities in the project vicinity. As such, the project would not conflict with adopted policies, plans, and programs regarding public transit, bicycle, and pedestrian facilities. *No Impact* would occur.

4.8.4.2 Impact 4.8-2: Vehicle Miles Traveled

A VMT analysis was prepared for the project (LOS Engineering 2024a) and is provided in Appendix F. The project is consistent with the residential zoning for the site and has a calculated trip generation of 270 ADT, which is less than the ITE threshold of 1,000 ADT (LOS Engineering 2024a). Therefore, according to the San Diego ITE Guidelines, the project is presumed to have a *less-than-significant* VMT impact.

4.8.4.3 Impact 4.8-3: Hazards Due to Design Feature or Incompatible Use

The project would result in the widening of Ocean Bluff Way along the project frontage; however, the project does not propose changes to the configuration of any other existing roadways. Striping improvements would be implemented within the widened Ocean Bluff Way and entry signage and advanced curve warning signs would also be installed near the southeastern driveway location. The project includes the construction of a private loop road through the development. The private road

would provide access through the site from two stop-controlled driveways on Ocean Bluff Way and would provide ingress and egress for residents, access and a circular route for service vehicles, and emergency vehicle access. The Encinitas Fire Department, Engineering Department, and Traffic Engineering Department reviewed the proposed project and concluded it would not result in any circulation hazards or fire access issues. The proposed road varies in width but ranges from 24 to 37 feet in width. Project access is from two intersections on Ocean Bluff Way. The western intersection is a T-intersection with Ocean Bluff Way. The eastern intersection would have a slight offset from Camino Del Dorado. A site distance evaluation was conducted for the project (LOS Engineering 2024b), the results of which showed sufficient site distance at the eastern intersection; as such, the design of the driveway intersections would not create a hazard due to design feature. The design of the driveway intersections and road access has been reviewed and approved by the City and would not substantially increase hazards due to geometric design feature. Additionally, during project construction, the project applicant would be required to prepare a Traffic Control Plan pursuant to EMC Section 15.04.130 to ensure that adequate circulation is maintained during construction and no hazardous traffic conditions result from construction activities.

The proposed residential uses are not anticipated to generate the types of traffic that would be incompatible with the existing transportation network or composition of existing traffic in the area. Traffic generated by the project would include standard automobiles, bicycle, and pedestrian traffic, which would be consistent with the existing traffic in the area. For these reasons, the project would not substantially increase hazards due to incompatible uses. Impacts would be *less than significant*.

4.8.4.4 Impact 4.8-4: Inadequate Emergency Access

Access to the project site would occur from the two driveway intersections on Ocean Bluff Way, and interior circulation and access to the residences would be provided via a two-lane private road, as described in the response above. The project includes a new private road through the development and a widening of Ocean Bluff Way. The road widening and private road would be constructed consistent with Fire Department and City roadway requirements to ensure emergency access and egress would be maintained. The project would not impede access to any nearby roadways that may serve as emergency access routes in the project vicinity. During construction of the project, heavy construction vehicles could interfere with emergency response to the site (e.g., vehicles traveling behind a slow-moving truck or piece of equipment); however, emergency access to all surrounding properties would be maintained through the construction period. Additionally, a traffic control plan pursuant to EMC Section 15.04.130 would be implemented during construction to ensure that adequate access and circulation is maintained during project construction activities. The Encinitas Fire Department has reviewed the project and provided Fire Department conditions for the project, which would ensure adequate emergency access is maintained for the site. As such, the project would result in *less-than-significant* impacts associated with inadequate emergency access.

4.8.5 Level of Significance before Mitigation

Implementation of the project would result in *less-than-significant* impacts associated with transportation plans, VMT, transportation design hazards, and emergency access; therefore, no mitigation measures are required.

4.8.6 Mitigation Measures

No mitigation measures are required.

4.8.7 Level of Significance after Mitigation

Less-than-significant impacts to transportation are identified, and no mitigation measures are required.

4.9 Tribal Cultural Resources

This section of the EIR evaluates potential tribal cultural resources impacts resulting from implementation of the project. This analysis is based on the tribal consultation conducted by the City in accordance with Assembly Bill (AB) 52. A copy of the tribal consultation correspondence is included in **Appendix D-2**, *Tribal Consultation Correspondence*.

4.9.1 Existing Conditions

4.9.1.1 Tribal Cultural Resource Definition

Per Public Resources Code Section 21074, a tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object, which is of cultural value to the Tribe, and is either on or eligible for listing in the national, state, or a local historic register, or the lead agency, at its discretion and supported by substantial evidence, chooses to treat the resource as a tribal cultural resource.

4.9.1.2 Ethnographic Setting

The history of the Native American communities prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the San Diego region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. They were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the San Diego region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early twentieth century.

Traditional cultural practices and beliefs survived among local Native American communities in spite of contact and colonization. These accounts supported, and were supported by, previous governmental decisions which made San Diego County the location of more federally recognized tribes than anywhere else in the United States: 18 tribes on 18 reservations that cover more than 116,000 acres.

The traditional cultural boundaries between the Luiseño and Kumeyaay Native American tribal groups have been well defined by anthropologist Florence C. Shipek:

> *In 1769, the Kumeyaay national territory started at the coast about 100 miles south of the Mexican border (below Santo Tomas), thence north to the coast at the drainage divide south of the San Luis Rey River including its tributaries. Using the U.S. Geological Survey topographic maps, the boundary with the Luiseño then follows that divide inland. The boundary continues on the divide separating Valley Center from Escondido and then up along Bear Ridge to the 2240 contour line and then north across the divide between Valley Center and Woods Valley up to the 1880-foot peak, then curving around east along the divide above Woods Valley. [1993 summarized by the San Diego County Board of Supervisors 2007:6]*

Based on ethnographic information, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact. The distribution of recorded Native American languages has been dispersed as a geographic mosaic across California through six primary language families. Based on the project location, the Native American inhabitants of the region would have likely spoken both the Ipai and Tipai language subgroup of the Yuman language family. Ipai and Tipai, spoken respectively by the northern and southern Kumeyaay communities, are mutually intelligible. For this reason, these two are often treated as dialects of a larger Kumeyaay tribal group rather than as distinctive languages, though this has been debated.

The Kumeyaay generally lived in smaller family subgroups that would inhabit two or more locations over the course of the year. While less common, there is sufficient evidence that there were also permanently occupied villages, and that some members may have remained at these locations throughout the year. Each autonomous triblet was internally socially stratified, commonly including higher status individuals such as a tribal head (Kwaaypay), shaman (Kuseyaay), and general members with various responsibilities and skills. Higher-status individuals tended to have greater rights to land resources, and owned more goods, such as shell money and beads, decorative items, and clothing. To some degree, titles were passed along family lines; however, tangible goods were generally ceremonially burned or destroyed following the deaths of their owners (Luomala 1978). Remains were cremated over a pyre and then relocated to a cremation ceramic vessel that was placed in a removed or hidden location. A broken metate was commonly placed at the location of the cremated remains, with the intent of providing aid and further use after death. At maturity, tribal members often left to other bands in order to find a partner. The families formed networks of communication and exchange around such partnerships.

Areas or regions, identified by known physical landmarks, could be recognized as band-specific territories that might be violently defended against use by other members of the Kumeyaay. Other areas or resources, such as water sources and other locations that were rich in natural resources, were generally understood as communal land to be shared amongst all the Kumeyaay. The coastal Kumeyaay exchanged a number of local goods, such as seafood, coastal plants, and various types of shell for items including acorns, agave, mesquite beans, gourds, and other more interior plants of use. Shellfish would have been procured from three primary environments, including the sandy open coast, bay and lagoon, and rocky open coast. The availability of these marine resources changed with the rising sea levels, siltation of lagoon and bay environments, changing climatic conditions, and intensity of use by humans and animals. Shellfish from sandy environments included Donax, Saxidomas, Tivela, and others. Rocky coast shellfish dietary contributions consisted of Pseudochama, Megastraea, Saxidomus, Protothaca, Megathura, and others. Lastly, the bay environment in the immediate vicinity of the project area would have provided Argopecten, Chione, Ostrea, Neverita, Macoma, Tagelus, and others. While marine resources were obviously consumed, terrestrial animals and other resources likely provided a large portion of sustenance. Game animals consisted of rabbits, hares, birds, ground squirrels, woodrats, deer, bears, mountain lions, bobcats, coyotes, and others. In lesser numbers, reptiles and amphibians may have been consumed.

A number of local plants were used for food and medicine. These were exploited seasonally and were both traded between regional groups and gathered as a single triblet moved between habitation areas. Some of the more common of these that might have been procured locally or as higher elevation varieties would have included buckwheat, Agave, Yucca, lemonade berry, sugar

brush, sage scrub, yerba santa, sage, Ephedra, prickly pear, mulefat, chamise, elderberry, oak, willow and Juncus grass among many others.

4.9.2 Regulatory Framework

4.9.2.1 State

Assembly Bill 52

AB 52, the Native American Historic Resources Protection Act, applies to projects that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration. AB 52 adds tribal cultural resources to the specific cultural resources protected under the CEQA. Under AB 52, a tribal cultural resource is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register of Historic Resources (CRHR) or included in a local register of historical resources. A Native American tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a tribal cultural resource. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment of disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains.

Native American Historic Resource Protection Act

California Public Resources Code Section 5097 et seq. addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission (NAHC) to resolve disputes regarding the disposition of such remains.

4.9.2.2 Local

City of Encinitas General Plan and Local Coastal Plan

As discussed in Section 4.5, *Cultural Resources*, Figure 4 of the Resource Management Element identities that project site as an area having low cultural resource sensitivity. The following goals and

policies of the Resource Management Element are relevant in protecting cultural resources, including tribal cultural resources, in the City:

GOAL 7: The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations. (Public Resources Code § 30250)

POLICY 7.1: Require that paleontological, historical, and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development. (Public Resources Code § 30250)

POLICY 7.2: Conduct a survey to identify historical structure and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation. (Public Resources Code §§ 30250, 30253(5))

Encinitas Municipal Code

Encinitas Municipal Code (EMC) Chapter 30.34, *Special Purpose Overlay Zones*, identifies areas of the City with overlay zones subject to specific requirements. In relation to cultural resources, EMC Section 30.34.020, *Cultural/Natural Resources Overlay Zone*, applies to all areas within the Special Study Overlay Zone where site-specific analysis of a parcel of land indicates the presence of important man-made cultural and historic resources, and ecologically sensitive plant and animal habitats. For parcels containing archaeological or historical sites, the EMC requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

4.9.3 Thresholds and Methodology

4.9.3.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a significant impact associated with tribal cultural resources would occur if implementation of the proposed project would result cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.9.3.2 Methodology

The state requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting traditional tribal cultural resources through the CEQA Guidelines. Pursuant to Public

Resources Code Section 21080.3.1, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Significant tribal cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that is either on or eligible for inclusion in the CRHR or a local historic register.

Additional information may also be available from the California NAHC's Sacred Lands File (SLF) per Public Resources Code Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. The SLF search results for the project were negative, no known cultural resources are present on the project site (Dudek 2024c; refer to Appendix D-1).

Pursuant to AB 52, the City contacted tribes provided by the NAHC and tribes on the City's AB 52 consultation contact list on October 28, 2024. In response, the San Luis Rey Band of Mission Indians and Rincon Band of Luiseño Indians (Tribes) requested a formal consultation with the City with regard to project alternatives, significant effects and mitigation measures (consultation correspondence is contained in Appendix D-2, *Tribal Consultation Correspondence*).

The San Luis Rey Band of Mission Indians requested a copy of the Cultural Resources Inventory Report completed on all or part of the project's potential "area of project effect" (APE). A copy of the report is included as Appendix D-1, *Cultural Resources Inventory Report*, to this EIR. The City provided a copy of the *Cultural Resources Inventory Report* and sent multiple requests to set a meeting time with the San Luis Rey Band of Mission Indians; however, no response from the San Luis Rey Band of Mission Indians was received by the City.

The City met with the Rincon Band of Luiseño Indians on February 10, 2025, via Microsoft Teams. During the meeting, the project description and project conditions related to tribal monitoring and on-site reburial of resources, if present, were discussed. Following the meeting, the City provided the Rincon Band of Luiseño Indians with standard project conditions related to cultural resources, mitigation measures recommended for the project, and a copy of the project's Biological Technical Report. Subsequent to the meeting, the City received a letter from the Rincon Band of Luiseño Indians (dated February 19, 2025), indicating that they do not agree with the conclusion of the *Cultural Resources Inventory Report* that states the project area shows low sensitivity for precontact archaeological resources. The letter states that previous ground disturbing activities associated with past uses of the project site were not monitored, leaving a gap in the archaeological record and that the proposed area is culturally sensitive. Accordingly, the Rincon Band of Luiseño Indians recommends archaeological and tribal monitoring for all ground disturbing activities, a monitoring report, and protocols for discovery of cultural material and human remains.

4.9.4 Impact Analysis

4.9.4.1 Impact 4.9-1: Tribal Cultural Resources

Based on the *Cultural Resources Inventory Report* prepared for the project (Dudek 2024c; Appendix D), there are no known Native American resources on the project site that are listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Additionally, no specific tribal cultural resources were identified in the project site

as a result of Native American consultation conducted for the project per AB 52. As such, the project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). The city, as lead agency, has not identified any potential tribal cultural resources at the project site. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource pursuant to criteria set forth in Public Resources Code Section 5024.1(c). *No impact* would occur.

No tribal cultural resources were identified on the project site. However, the Rincon Band of Luiseño Indians indicated during AB 52 consultation that previous ground disturbing activities associated with past uses of the project site were not monitored, leaving a gap in the archaeological record and that the proposed area is culturally sensitive. If any artifacts are inadvertently discovered during ground-disturbing activities, existing federal, state and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined not to be of significance by a qualified cultural resources professional. Although the project site has been disturbed from previous agricultural uses, there is potential for project grading to occur within undisturbed on-site areas and potential to encounter unknown buried tribal cultural resources. Impacts to tribal cultural resources would be considered *potentially significant*.

4.9.5 Level of Significance before Mitigation

The project would not result in impacts associated with tribal cultural resources that are listed or eligible for listing in the CRHR, or in a local register of historical resources. *No impact* would occur.

The project would result in the potential to encounter unknown buried tribal cultural resources through the disturbance of previously undisturbed sediments. If unknown buried tribal cultural resources are discovered during project construction, impacts to these resources would be *potentially significant*.

4.9.6 Mitigation Measures

Mitigation Measures CR-1 and CR-2 (refer to Section 4.5, *Cultural Resources*, of this EIR) would be implemented to minimize impacts associated with the discovery of unknown tribal cultural resources.

4.9.7 Level of Significance after Mitigation

Mitigation Measures CR-1 and CR-2 would reduce potentially significant impacts associated with unknown buried tribal cultural resources to a *less-than-significant* level.

5. ALTERNATIVES

5.1 Introduction

In accordance with CEQA Guidelines Section 15126.6(a), an EIR must contain a discussion of "a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice."

The following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives or would be more costly. In accordance with CEQA Guidelines Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site. No one of these factors establishes a fixed limit on the scope of reasonable alternatives. An alternative does not need to be considered if its environmental effects cannot be reasonably ascertained and if implementation of such an alternative is remote or speculative.

The evaluation of individual alternatives considered in detail is provided in Section 5.4, with summary of the project alternatives and identification of the environmentally superior alternative outlined in Sections 5.5 and 5.6, respectively. A matrix comparing the alternatives analyzed in detail is provided thereafter.

5.2 Criteria for Alternative Analysis

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the project. These objectives are presented in Chapter 3, *Project Description*, of this EIR and are provided below for ease of reference.

5.2.1 Project Objectives

To achieve the need and purpose of the proposed project, the following project objectives are identified:

1. Assist the City in expanding its regional housing stock of single-family dwelling units in accordance with the goals established in the General Plan Housing Element.
2. Provide new affordable homeownership opportunities for very low-income households that will assist the City in meeting its state-mandated affordable housing requirements.

3. Develop a previously developed, vacant, infill property with residential housing that complies with the Encinitas General Plan, applicable zoning and State Density Bonus Law.
4. Locate new development in a portion of the City where there is existing capacity to accommodate the required infrastructure and public services needs of the project.
5. Place residential dwelling units within a short walking or driving distance of local schools.
6. Use a comprehensive style of architecture and design elements that ensures high-quality site aesthetics and provides variety in both building layouts and types.
7. Limit encroachment into environmentally sensitive habitat and steep slopes by integrating retaining walls, using sensitive grading techniques and taking access from Ocean Bluff Way.
8. Protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement.
9. Create an economically viable project featuring three "very low income" affordable housing units that can be implemented within the current and projected economic conditions.

5.2.2 Significant Impacts of the Proposed Project

Based on the analysis contained in Chapter 4, *Environmental Impact Analysis*, the project would result in the potential for significant impacts associated with air quality (exposure of sensitive receptors to diesel exhaust during construction activities), biological resources (direct impacts to special-status wildlife species and active bird nests and indirect impacts to special status plant and wildlife species), cultural resources (unknown buried archaeological resources, human remains, and paleontological resources), noise (short-term construction), and tribal cultural resources (unknown buried resources). Mitigation measures have been identified that would reduce all identified significant impacts to a less-than-significant level. The project would not result in any significant, unmitigable impacts.

In accordance with CEQA Guidelines Section 15126.6(c), the following analysis of project alternatives is preceded by a brief description of the rationale for selecting the alternatives to be discussed. In addition, alternatives that were considered but rejected are identified.

It should be noted that CEQA does not compel a lead agency to adopt an alternative that is less environmentally damaging than the project, but only to identify feasible alternatives that could avoid or substantially lessen the project's significant environmental effects. The California Legislature declared in CEQA that "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof" (Public Resources Code Section 21002).

5.3 Alternatives Eliminated from Detailed Consideration

The following alternatives were considered but rejected either because they are infeasible, the applicant does not control the potential alternative locations, or the alternative fails to meet most of the basic project objectives. Each of the alternatives eliminated from detailed consideration, and the reasons for eliminating them from consideration, are discussed in more detail below.

5.3.1 Alternative Project Location

This alternative would entail construction of the 27-unit single family residential development at another site within the City. This alternative would likely require an altered site layout to fit dimensions and setback requirements at a different site; however, the number and size of dwelling units would remain unchanged. This alternative is not carried forth for analysis due to the generally built-out nature of the City and lack of similar-sized vacant sites that would allow for construction of 27 single-family units while meeting most of the basic objectives of the project. Additionally, the project site is owned by the applicant and there is no guarantee that the applicant can reasonably acquire, control, or otherwise have access to an alternative site.

5.3.2 Enhanced Affordable Housing Alternative

The Enhanced Affordable Housing Alternative would allow for development of 36-single family units on 4.6 acres of the project site. This alternative would utilize California's Density Bonus Law (California Government Code Section 65915 et seq.), as amended by Assembly Bill (AB) 2345, which gives housing developments the right to increase density beyond applicable local limits in exchange for providing homes at below market rents or purchase costs. If the "base" project (i.e., the project as considered by zoning before the additional density) provides at least 15 percent of the homes for very-low-income households, the development is entitled to receive a density bonus of 50 percent over the maximum allowable gross residential density. In addition, the Density Bonus Law was amended by AB 1287 in October 2023, to require a city or county to grant an additional density bonus on top of the existing maximum 50 percent density bonus provided by the Density Bonus Law. This new provision allows an additional density bonus of 20 to 50 percent when a project provides an additional set-aside of very low income or moderate-income units. This alternative includes 15 percent very-low-income units and 15 percent moderate-income units, providing a stackable density bonus of 100 percent. Development under this alternative is based on calculated allowed density using gross acreage of site, as allowed by the Density Bonus Law. Calculating allowed density using gross acreage of the site allows for the development of 18 units on the project site. When the stackable density bonus of 100 percent is added, this alternative would allow for the development of 36 single-family attached and detached units on the project site. As such, this alternative proposes subdivision of the project site into 36 lots and would allow for the construction of 36 single-family units on the project site. The 4.6-acre project disturbance footprint would be the same as that identified for the project. This alternative is not carried forward for detailed analysis because of its inability to reduce the potentially significant impacts of the proposed project, potential to increase the severity of project impacts (i.e., air quality and noise) and due to the infeasibility of constructing 36 single-family units on the developable portion of the project site even with unlimited waivers from the development regulations.

5.4 Evaluation of Alternatives

5.4.1 No Project Alternative

Consideration of a no project alternative is required by CEQA Guidelines Section 15126.6(e). The analysis of a no project alternative must discuss the existing conditions at the time the Notice of Preparation (NOP) was initially published (i.e., July 12, 2024), as well as "what would be reasonably

expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" [CEQA Guidelines Section 15126.6(e)(2)]. The requirements also specify that, "If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed" [CEQA Guidelines Section 15126.6(e)(3)(B)]. The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving a project with the impacts of not approving the project.

Under the No Project/No Development Alternative for this EIR, construction of the project would not occur. The site would remain as described in Chapter 3, *Project Description*, specifically Section 3.1, *Project Location and Setting*, and no changes to the existing site would occur under the No Project/No Development Alternative.

This alternative, which would not involve any development onsite, would not attain any of the project objectives.

5.4.1.1 Environmental Impact Analysis

Aesthetics

Under the No Project Alternative, the proposed project would not be constructed and there would be no visible changes to the character of the project site. Existing views of the project site from public vantage points in the project area would remain unchanged. No changes to existing lighting or glare conditions in the project area would occur. Similar to the proposed project, the No Project Alternative would not result in impacts to scenic vistas or scenic resources, as none exist in or around the project site. All of the project's *less-than-significant* impacts to visual character and public views and from new sources of night lighting would be avoided under the No Project Alternative.

Air Quality

No demolition, grading, construction, or new development would occur under the No Project Alternative. Therefore, this alternative would not have the potential to increase air pollutant emissions from the site that would occur with the project. This alternative would result in lower environmental effects associated with air quality, including the elimination of the potentially significant air quality impacts associated with the exposure of sensitive receptors to substantial diesel-particulate matter concentrations during construction. Although these potentially significant impacts would be reduced to a less-than-significant level for the project, the No Project Alternative would eliminate these impacts because no demolition, grading, or construction activities would occur.

Biological Resources

Under this alternative, the project site would remain as it currently exists. No development would occur and there would be no impact to biological resources. The No Project Alternative would avoid impacts to biological resources resulting from the project, including direct impacts to special-status wildlife species and active bird nests and indirect impacts to special status plant and wildlife species. However, the on-site resources would not be preserved in open space through the recordation of a deed restriction or open space easement under this alternative. No impact to biological resources would occur under the No Project Alternative.

Cultural Resources

Under the No Project Alternative, no excavation or grading activities would occur and the potential for impacts to unknown subsurface archaeological resources, unknown human remains, and paleontological resources from implementation of the project would be avoided. As described in Section 4.5, *Cultural Resources*, of this EIR, the identified potential for impacts to unknown archaeological resources, unknown human remains, and paleontological resources associated with implementation of the project would be significant but mitigable with the implementation of a monitoring program. No cultural or paleontological resource impacts would occur under the No Project Alternative.

Land Use and Planning

Under the No Project Alternative, the existing uses and physical conditions on the project site would remain. As with the project, the No Project Alternative would not physically divide an established community. The No Project Alternative would not result in any impacts associated with conflicts of existing land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The No Project Alternative would not be consistent with the existing land use designation and zoning for the project site; however, no significant land use impacts are anticipated with the project, and none would occur under the No Project Alternative.

Noise and Vibration

As described in Section 4.7, *Noise and Vibration*, of this EIR, the project would result in potentially significant short-term construction noise impacts. The project incorporates mitigation which would reduce these impacts to a less-than-significant level. The No Project Alternative would not result in demolition or construction activities or new stationary and mobile noise sources in the vicinity of existing noise-sensitive land uses. Therefore, no noise impact would occur, and no mitigation would be required. The existing noise conditions on the project site would continue and there would be no new noise sources at the site that could potentially impact off-site uses.

Transportation

As no development is proposed under the No Project Alternative, no additional traffic beyond existing conditions would be generated, and no impact would occur. Similarly, because no development would occur, there would be no associated transportation plan consistency, transportation design hazard, or emergency access impacts. The project would result in less-than-significant impacts associated with transportation plans, VMT, transportation design hazards, and emergency access; therefore, no mitigation measures are required. These less-than-significant impacts would be avoided through implementation of the No Project Alternative, and no transportation impact would occur.

Tribal Cultural Resources

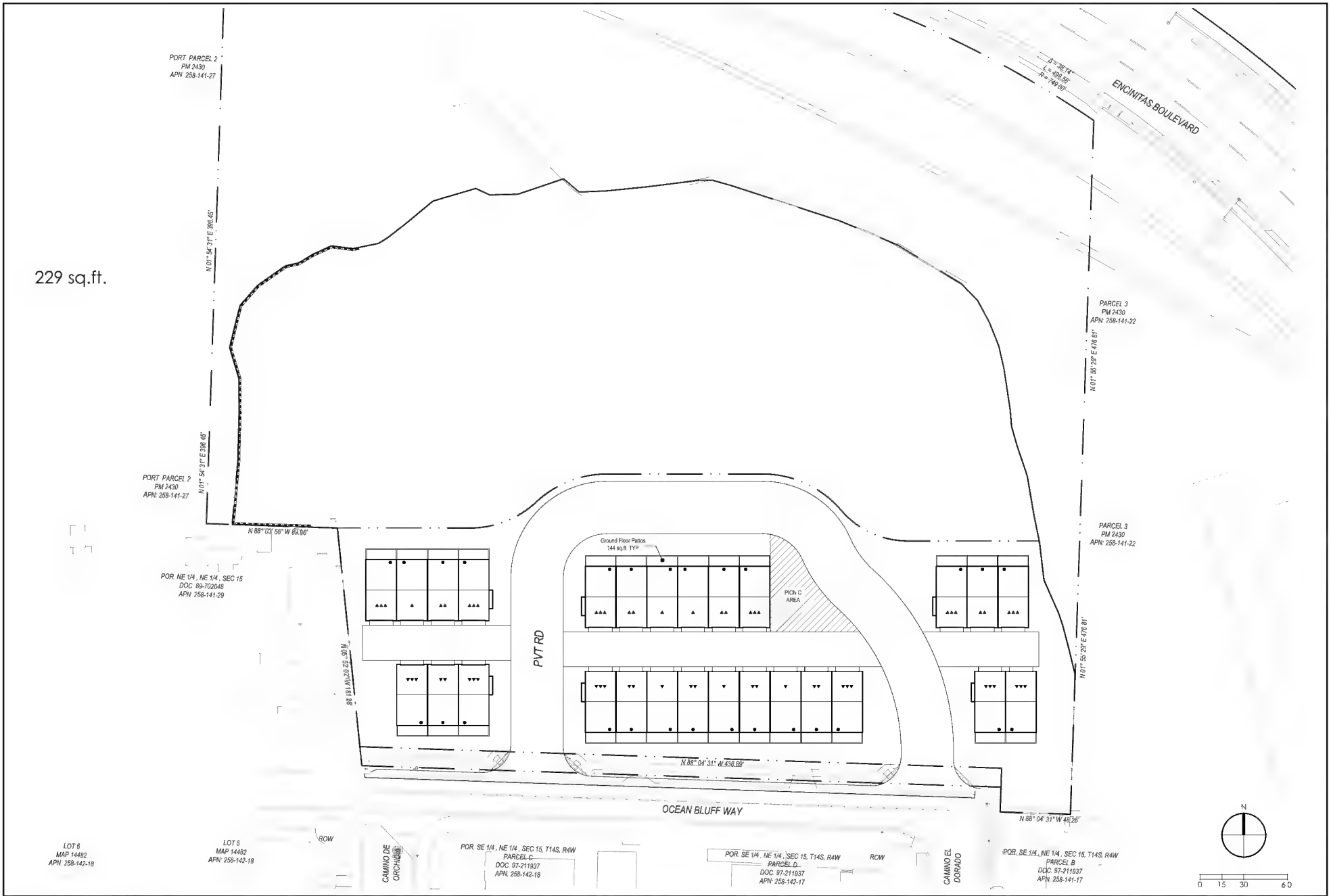
Under the No Project Alternative, no excavation or grading activities would occur and the potential for impacts to unknown tribal cultural resources from implementation of the project would be avoided. As described in Section 4.9, *Tribal Cultural Resources*, of this EIR, the identified potential for impacts to tribal cultural resources associated with implementation of the project would be

significant but mitigable with the implementation of a monitoring program. No tribal cultural resource impacts are associated with the No Project Alternative.

5.4.2 Reduced Footprint Alternative

The Reduced Footprint Alternative would develop the project site with 27 multi-family townhome units configured in a series of two-story multi-family housing structures (**Figure 5-1**, *Reduced Footprint Alternative*). Development of multi-family housing on a site zoned for single-family residential housing would require approval of a major conditional use permit (EMC 30.16.020B). Under this alternative, the project would satisfy its inclusionary housing requirements on-site by constructing 15 percent of the units as very-low-income qualifying units allowing for a density bonus of 50 percent as allowed by the EMC. A multi-family residential housing type would condense the size and spacing between units and individual yards would be replaced with common area space. The housing units would be stacked into two-story structures. This alternative would develop approximately 2 acres of the project site with the proposed multi-family residential development. The project footprint would be reduced by approximately 2.5 acres compared to the 4.6-acre project footprint. This alternative housing type and configuration would widen the proposed 10 to 20-foot buffer between the residential development and on-site sensitive habitat, steep slopes and blufftop to 240 feet. The increased open space area within the expanded buffer zone would capture previously developed habitat and steep slopes but not additional sensitive habitats. Design waivers allowed under State Density Bonus Law would be required to construct the 27 multi-family housing units, as shown in Figure 5-1, associated with the Reduced Footprint Alternative.

This alternative would achieve the project objectives related to assisting the City of Encinitas in expanding its regional housing stock; however, the market rate and affordable units would be townhomes and not single-family homes. as envisioned under the proposed project. This alternative would provide new affordable homeownership opportunities for very low-income households that will assist the City in meeting its state-mandated affordable housing requirements. This alternative would develop a previously developed, vacant, infill property with residential housing that complies with the Encinitas General Plan, applicable zoning and State Density Bonus Law. This alternative would locate new development in a portion of the City where there is existing capacity to accommodate the required infrastructure and public services and within walking distance of schools. Because of the townhome housing format, this alternative would not provide a variety in both building layouts and types. With the reduced project footprint, this alternative would attain the objective of limiting encroachment into environmentally sensitive habitat and steep slopes without the need for retaining walls. In addition, this alternative would protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement. Finally, this alternative would create an economically viable project featuring three "very low income" affordable housing units that can be implemented within the current and projected economic conditions. Therefore, this alternative would achieve the majority of the project objectives.



Source: Kevin L. Crook Architect 2025

Figure 5-1

BARANEK
Consulting Group

Reduced Footprint Alternative

OCEAN BLUFF RESIDENTIAL EIR

5.4.2.1 Environmental Impact Analysis

Aesthetics

As discussed in Section 4.2, *Aesthetics*, the project site is not in or near the City's Scenic View Corridor Overlay Zone and there are no formally designated scenic corridors in the project area. Further the project site is not visible from any scenic vista points. As the project site is not within identified scenic view corridors and is not visible from scenic vista points, the Reduced Footprint Alternative would result in no impact to scenic vistas, the same as identified for the project.

In regard to scenic resources, there are no rocks, outcroppings, or eligible historic resources on the project site. Under the Reduced Footprint Alternative, the on-site steep slopes would be preserved in place as a condition of project approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such slopes, pursuant to the Hillside/Inland Bluff Overlay Zone regulations. This alternative would not require the removal of all eight mature trees existing on the project site; removal of two of the existing mature trees would be required to implement this alternative. None of the mature trees present on the project site are designated heritage trees or on public property. This alternative would replace the two removed mature trees with new trees as part of project landscaping. The project site is not visible from I-5, the closest eligible state scenic highway to the project site. Thus, the Reduced Footprint Alternative would not significantly affect any scenic resources, including trees, rock outcroppings, or historic buildings within a state scenic highway. No impact to scenic resources would occur under the Reduced Footprint Alternative.

The Reduced Footprint Alternative of the would be clustered in the southern portion of the site, covering a smaller footprint than the proposed single-family residential project. The multi-family units proposed for the Reduced Footprint Alternative would be two stories in height and would be the same or similar in height to most of the single-family units associated with the project. This alternative would apply design waivers, as allowed under the State Density Bonus Law to permit an increase in residential density in exchange for providing homes at below market rents or purchase costs. The waivers would modify the project's lot size, building height, lot coverage, and setbacks among other design features. Due to the allowable increase in density and the development of a multi-family residential development in place of a single-family development, the intensity of development at the project site would appear greater than the adjacent residential neighborhood situated south of the project site. Based on the siting of the development under this alternative, the residences would be set back farther and largely hidden from the majority of viewers on Encinitas Boulevard with preservation of the steep slopes that dominate views along Encinitas Boulevard and points north of the project site. Overall, visual character or quality of the site would be altered by implementation of the Reduced Footprint Alternative and would be noticeable to local viewers, similar to the project. This alternative would also minimize character changes by preserving in place the steep slopes that dominate views along Encinitas Boulevard and points north of the site, as required by the Hillside/Inland Bluff Overlay Zone regulations and installing landscape treatments to soften views of the development improvements.

The intensity of residential development would be greater than the surrounding properties under this alternative. Proposed changes in visual character associated with this alternative would be visible to local residents and visitors along public roads. However, the project's design, including the

site plan, grading, circulation, architecture, signage, landscaping and lighting, would require review and approval from the City to ensure it is consistent with the objectives of the City's Design Standards and Guidelines. Impacts would be less than significant, similar to the proposed project.

The Reduced Footprint Alternative would introduce new lighting to the project site, typical of residential development and the surrounding residential uses. All lighting would be consistent with the City's lighting standards, contained in EMC 30.40.010(I). This alternative would not include the construction or installation of structures containing highly reflective materials or surfaces that could create a new source of glare. The Reduced Footprint Alternative would be designed to comply with City standards and minimize its light and glare and would result in a less-than-significant impact, the same as identified for the project.

Air Quality

The construction of 27 units on the project site under the Reduced Footprint Alternative would result in slightly less or similar population at the project site as compared to the project. Since the estimated population increase associated with the project is consistent with the growth projections identified for the City, the increase in housing units and associated vehicle source emissions associated with the Reduced Footprint Alternative is not anticipated to result in air quality impacts not envisioned in the region's growth projections and the RAQS. Impacts would be less than significant and similar to those identified for the project.

Demolition, grading, and construction activities would occur under the Reduced Footprint Alternative; however, this alternative would result in a reduced project footprint, resulting in a corresponding reduction in emissions associated with grading. The project would result in potentially significant impacts associated with the exposure of sensitive receptors to substantial diesel-particulate matter concentrations during construction. While the Reduced Footprint Alternative would result in reduced grading area and a corresponding reduction in pollutant emissions during construction activities, it could potentially result in a similar impact to sensitive receptors from diesel-particulate matter during construction. Therefore, the Reduced Footprint Alternative would have a potentially significant air quality impact during construction, which would be reduced to a less-than-significant level through mitigation, similar to the project.

This alternative would result in a small reduction in operational emissions. While this alternative would develop the same number of units as the project, the multi-family configuration of this alternative would reduce the project's trip generation, as multi-family units generate an average of 8 average daily trips (ADT) per unit during operation, while single-family residences generate 10 ADT per unit. Thus, operational emissions associated with this alternative would be reduced by approximately 20 percent, due to the reduction in ADT per unit. Both the project and the Reduced Footprint Alternative would result in less than significant operational air quality impacts.

Biological Resources

The Reduced Footprint Alternative would result in a reduced graded area on the project site, and similar to the project, would avoid directly impacting native and sensitive habitat present on the project site. This alternative would only impact disturbed habitat and developed land, the same type of habitat impacts as identified for the project. This alternative would widen the proposed 10- to 20-foot buffer between the residential development and on-site sensitive habitat, steep slopes and

blufftop to approximately 240 feet along the northern edge of grading. The increased open space area within the expanded buffer zone would capture previously developed habitat and steep slopes but not additional sensitive habitats. The Reduced Footprint Alternative would still result in potentially significant direct impacts to Cooper's hawk and Coastal California gnatcatcher, both of which are identified as occurring within the project site and 100-foot buffer area, and potentially significant direct impacts to Crotch's bumble bees and nesting birds, but slightly less than that of the proposed project due to the increased setback. Additionally, this alternative would continue to result in indirect impacts to sensitive plant and wildlife species, similar but slightly less than those identified for the project due to the increased setback. The Reduced Footprint Alternative would also result in potentially significant impacts to birds utilizing the on-site and adjacent vegetation for refuge, cover, and foraging. While the Reduced Footprint Alternative would reduce the area of the project site where disturbance and construction activities would occur, the potentially significant direct and indirect impacts to biological resources identified for the project would still occur but be slightly reduced under this alternative. These potentially significant impacts would require mitigation similar to that identified for the project to reduce impacts to biological resources to a less-than-significant level. No impacts to wetlands or adopted habitat conservation policies would occur with the Reduced Footprint Alternative, similar to the project.

Cultural Resources

As described in Section 4.5, *Cultural Resources*, no significant on-site cultural resources were identified, but there is the potential for unknown resources (including human remains) to be discovered during on-site grading. Additionally, the project would result in potentially significant impact associated with paleontological resources, as it would require cut in excess of 2,000 cubic yards (CY) in formations having moderate paleontological sensitivity. The noted impacts to cultural and paleontological resources associated with implementation of the project would be reduced below a level of significance through mitigation measures requiring construction monitoring that would be implemented for the project. Ground disturbance associated with development of the Reduced Footprint Alternative would be reduced by 2.5 acres as compared with the project. Therefore, the likelihood of encountering cultural and paleontological resources would be similar, but slightly less than the project. Both scenarios would have a significant but mitigable potential for impacts to unidentified archaeological resources, human remains, and paleontological resources, with the same mitigation requirements for construction monitoring.

Land Use and Planning

The Reduced Footprint Alternative would cluster development of 27 dwelling units on the southern portion of the project site. This alternative would not result in the construction of large structures, the extension of a roadway, or other components that would physically divide an established community. Similar to the project, the Reduced Footprint Alternative would result in no impact associated with dividing an established community.

With regard to compliance with City land use plans, policies, or regulations, the Reduced Footprint Alternative would be required to demonstrate compliance with the applicable policies from the City's General Plan, EMC regulations, and Draft Subarea Plan in order to obtain project approvals. The Reduced Footprint Alternative would provide new residential units on land where residential use is envisioned in the General Plan, be consistent with the State Density Bonus Law and the City's

inclusionary housing regulations, create visually diverse and aesthetically appealing residential units, avoid encroachment into steep slopes greater than 25 percent gradient and sensitive habitats, pay its fair share for public services, comply with applicable EMC regulations related to noise, public services, and wildfire, implement various source control and site design BMP to protect water quality, and minimize impacts to sensitive biological habitats and cultural resources. As such, the Reduced Footprint Alternative is expected to result in less-than-significant land use policy impacts, similar to those identified for the project.

Noise and Vibration

The project would result in potentially significant short-term construction noise impacts. As the Reduced Footprint Alternative would require construction activities similar in nature to that of the project, and construction activities would occur at a similar distance to the adjacent off-site sensitive receptors, construction noise impacts associated with the Reduced Footprint Alternative are expected to be potentially significant, and noise levels that are similar in magnitude to those identified for the project. The incorporation of mitigation would reduce the temporary construction noise impacts associated with the Reduced Footprint Alternative to a less-than-significant level, similar to the project.

In regard to operational noise, the project's ADT would be reduced by approximately 20 percent under this alternative, due to the lower trip generation rate for multi-family residential developments (8 ADT per unit) versus single-family units (10 ADT per unit). As such, project-related noise level increases on local roadways would be slightly reduced as compared to the project. As discussed in Section 4.7, *Noise and Vibration*, the project-related traffic would not result in any audible changes to traffic noise levels at the three modeled locations in the project area. Similarly, with a slight reduction in project-related traffic, the Reduced Footprint Alternative would not result in operational traffic noise impacts. The Reduced Footprint Alternative would locate residences at a similar distance to off-site sensitive receptors, resulting in a similar, less-than-significant impact associated with stationary operational noise as that identified for the project.

Transportation

While the Reduced Footprint Alternative would develop the same number of units as the project, the multi-family configuration of this alternative would reduce the project's trip generation, as multi-family units generate an average of 8 ADT per unit during operation, while single-family residences generate 10 ADT per unit. Thus, operational traffic associated with this alternative would be reduced by approximately 20 percent, due to the reduction in ADT per unit. Thus, the Reduced Footprint Alternative would result in 216 ADT. The 2019 San Diego ITE guidelines state that projects with less than 1,000 ADT that are consistent with the zoning are presumed to have less than significant VMT impacts. Similar to the project, this alternative would result in less ADT than the 1,000 ADT threshold and would be consistent with the zoning for the project site when taking into account density allowances under State Density Bonus Law. As such, VMT impacts are presumed to be less than significant for the Reduced Footprint Alternative. The project would result in less-than-significant impacts associated with transportation plans, VMT, transportation design hazards, and emergency access; therefore, no mitigation measures are required. Similarly, the Reduced Footprint Alternative would have the same access points off of Ocean Bluff Way as shown in Figure 5-1 and would be required to comply with applicable transportation standards and City and Fire Department

requirements related to hazards due to design features and emergency access. Compliance with existing City and Fire Department requirements would ensure impacts for the Reduced Footprint Alternative are less than significant.

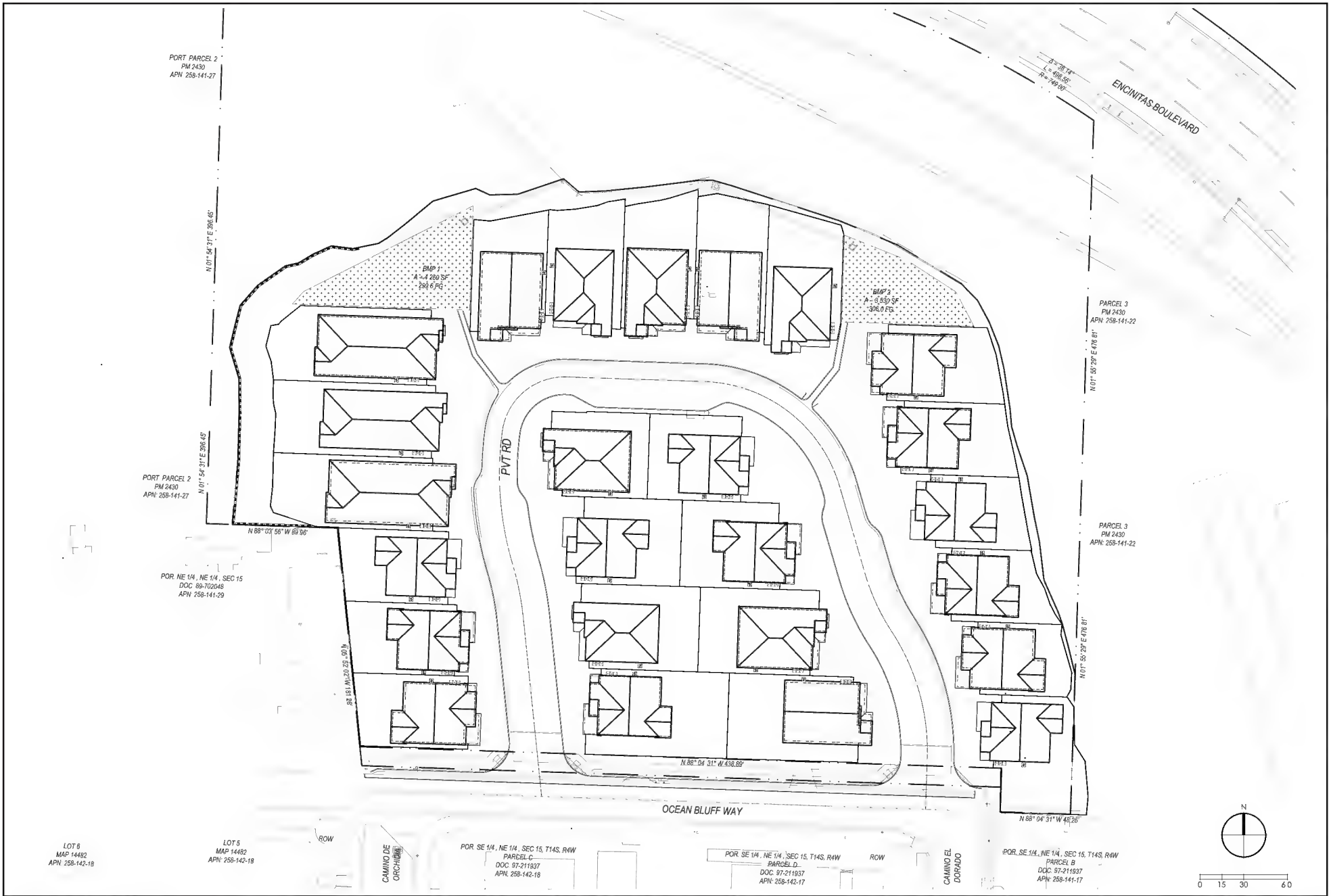
Tribal Cultural Resources

Ground disturbance associated with development of the Reduced Footprint Alternative would be reduced by 2.5 acres as compared with the project. Therefore, the likelihood of encountering unknown tribal cultural resources would be similar, but slightly less than the project. Both the project and this alternative would have a significant but mitigable potential for impacts to unidentified tribal cultural resources, with the same mitigation requirements for construction monitoring.

5.4.3 Reduced Density Alternative

The Reduced Density Alternative would result in the development of the project site with 23 market-rate and 2 affordable single-family residential units instead of the proposed 27 residential units (24 market-rate and 3 affordable) (**Figure 5-2**, *Reduced Density Alternative*). Similar to the proposed project, this development would occur on approximately 4.6 acres of the 7.2 project site. Under this scenario, the project would satisfy its inclusionary housing obligation by constructing 15 percent affordable housing, as compared to 17 percent affordable housing units under the proposed project. In addition, the project would use the same two affordable units to comply with State Density Bonus Law. A density bonus of 50 percent would be allowed by the EMC for a total allowance of 25 residential units. To reduce the unit count, the site plan for this alternative would remove two units from the interior of the project. The project design would require similar waivers as the proposed project in order to construct the project depicted in Figure 5-2.

This alternative would achieve the project objectives related to assisting the City of Encinitas in expanding its regional housing stock with market rate and affordable units. Because one less affordable unit would be constructed under this alternative, this alternative would not achieve the site's potential for affordable housing units. This alternative would provide new affordable homeownership opportunities for very low-income households that will assist the City in meeting its state-mandated affordable housing requirements. This alternative would develop a previously developed, vacant, infill property with residential housing that complies with the Encinitas General Plan, applicable zoning and State Density Bonus Law. This alternative would locate new development in a portion of the City where there is existing capacity to accommodate the required infrastructure and public services and within walking distance of schools. This alternative would provide a variety in both building layouts and types similar to the proposed project. This alternative would attain the objective of limiting encroachment into environmentally sensitive habitat and steep slopes using retaining walls. In addition, this alternative would protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement. Finally, this alternative would create an economically viable project featuring two "very low income" affordable housing units that can be implemented within the current and projected economic conditions. Therefore, this alternative would achieve the majority of the project objectives.



Source: Kevin L. Crook Architect 2024

Figure 5-2

Reduced Density Alternative

OCEAN BLUFF RESIDENTIAL EIR

BARANEK
Consulting Group

5.4.3.1 Environmental Impact Analysis

Aesthetics

The Reduced Density Alternative would develop the same area of the project site as the proposed project. As discussed previously, the project site is not in or near the City's Scenic View Corridor Overlay Zone, there are no formally designated scenic corridors in the project area, and the project site is not visible from any scenic vista points. As such, the Reduced Density Alternative would result in no impact to scenic vistas, the same as identified for the project.

In regard to scenic resources, there are no rocks, outcroppings, or eligible historic resources on the project site. Under the Reduced Density Alternative, the on-site steep slopes would be preserved in place as a condition of project approval through a deed restriction, open space easement, or other suitable device that will preclude any future development or grading of such slopes, pursuant to the Hillside/Inland Bluff Overlay Zone regulations. As the Reduced Density Alternative would develop the same area of the project site as the project, the Reduced Density Alternative would not significantly affect any scenic resources, including trees, rock outcroppings, or historic buildings within a state scenic highway, the same impact as identified for the project. No impact to scenic resources would occur under the Reduced Density Alternative.

The proposed single-family units under the Reduced Density Alternative would be similar in size and scale to those identified for the project. This alternative would apply design waivers, as allowed under the State Density Bonus Law, to allow for an increase in residential density in exchange for providing homes at below market purchase costs. The waivers would modify the project's lot size, building height, lot coverage, and setbacks among other design features. Due to the allowable increase in density afforded by the State Density Bonus Law, the intensity of development at the project site would appear greater than the adjacent residential neighborhood situated south of the project site. The Reduced Density Alternative would incorporate the City's objective design standards and guidelines and would minimize the contrast with adjacent residential properties through the use of sensitive grading techniques, a variety of architectural styles, and landscape features. Overall, the visual character or quality of the site would be altered by implementation of the Reduced Density Alternative and would be noticeable to local viewers. This alternative would also minimize character changes by preserving in place the steeps slopes that dominate views along Encinitas Boulevard and points north of the site, as required by the Hillside/Inland Bluff Overlay Zone regulations and installing landscape treatments to soften views of the development improvements. Further, although the intensity of residential development would still be greater than the surrounding properties and proposed changes in visual character associated with this alternative would be visible to local residents and visitors along public roads, the project's design, including the site plan, grading, circulation, architecture, signage, landscaping and lighting, would require review and approval from the City to ensure it is consistent with the objectives of the City's Design Standards and Guidelines. The loss of two residential units from the interior of the development area would not appear visually different than the proposed project when viewed from local public roads. As a result, impacts remain less than significant, similar to the proposed project.

The Reduced Density Alternative would introduce new lighting to the project site, typical of residential development and the surrounding residential uses. All lighting would be consistent with the City's lighting standards, contained in EMC 30.40.010(I). This alternative would not include the

construction or installation of structures containing highly reflective materials or surfaces that could create a new source of glare. The Reduced Density Alternative would be designed to comply with City standards and minimize its light and glare and would result in a less-than-significant impact, the same as identified for the project.

Air Quality

The construction of 25 units on the project site under the Reduced Density Alternative would result in a small reduction in population at the project site as compared to the project. Since the estimated population increase associated with the project is consistent with the growth projections identified for the City, the increase in housing units and associated vehicle source emissions associated with the Reduced Density Alternative is not anticipated to result in air quality impacts not envisioned in the region's growth projections and the RAQS. Impacts would be less than significant and similar to those identified for the project.

Demolition, grading, and construction activities would occur on the 4.6-acre development area portion of the site. While two less units would be constructed under the Reduced Density Alternative, resulting in a minimal reduction in construction emissions, overall construction emissions are expected to remain similar to that identified for the project due to the same size project disturbance footprint. Distances to adjacent sensitive receptors are similar under this alternative as those identified for the project. As the Reduced Density Alternative would disturb the same area as the project and is located at a similar distance to adjacent sensitive receptors, it is expected that this alternative would result in potentially significant impacts associated with the exposure of sensitive receptors to substantial diesel-particulate matter concentrations during construction, similar to the project. Therefore, the Reduced Density Alternative would have a potentially significant air quality impact during construction, which would be reduced to a less-than-significant level through mitigation, similar to the project.

This alternative would result in a small reduction in operational emissions. The Reduced Density Alternative would result in the development of 25 single-family residential dwelling units, resulting in 250 ADT. Thus, operational traffic emissions associated with this alternative would be reduced by approximately 7.4 percent, due to the reduction in total ADT under this alternative. Operational emissions associated with consumer products, landscape maintenance equipment and energy sources would be slightly reduced under this alternative, due to two less dwelling units. Both the project and the Reduced Density Alternative would result in less than significant operational air quality impacts.

Biological Resources

The Reduced Density Alternative would result in disturbance of the same area as identified for the project. As such, it would continue to avoid impacting native and sensitive habitats present on the project site. This alternative would only impact disturbed habitat and developed land, the same as identified for the project. The Reduced Density Alternative would result in potentially significant direct impacts to Cooper's hawk and Coastal California gnatcatcher, both of which are identified as occurring within the project site and 100-foot buffer area and potentially significant direct impacts to Crotch's bumble bees and nesting birds. Additionally, this alternative would result in indirect impacts to sensitive plant and wildlife species, similar to those identified for the project. The Reduced Density Alternative would also result in potentially significant impacts to birds utilizing the on-site

and adjacent vegetation for refuge, cover, and foraging. The potentially significant direct and indirect impacts to biological resources identified for the project would still occur under this alternative. These potentially significant impacts would require mitigation similar to that identified for the project to reduce impacts to biological resources to a less-than-significant level. No impacts to wetlands or adopted habitat conservation would occur with the Reduced Density Alternative, similar to the project.

Cultural Resources

No significant on-site cultural resources were identified, but there is the potential for unknown resources (including human remains) to be discovered during on-site grading. Additionally, the project would result in potentially significant impact associated with paleontological resources, as it would require cut in excess of 2,000 CY in formations having moderate paleontological sensitivity. The noted impacts to cultural and paleontological resources associated with implementation of the project would be reduced below a level of significance through mitigation measures requiring construction monitoring that would be implemented for the project. Ground disturbance associated with development of the Reduced Density Alternative is the same as that identified for the project – the same 4.6-acre portion of the site would be developed under this alternative. Therefore, the likelihood of encountering cultural and paleontological resources would be the same as that identified for the project. The Reduced Density Alternative would have significant, but mitigable impacts to unidentified archaeological resources, human remains, and paleontological resources, with the same mitigation requirements for construction monitoring.

Land Use and Planning

The Reduced Density Alternative would result in the development of 25 dwelling units on the project site. This alternative would not result in the construction of large structures, the extension of a roadway, or other components that would physically divide an established community. Similar to the project, the Reduced Density Alternative would result in no impact associated with dividing an established community.

With regard to compliance with City land use plans, policies, or regulations, the Reduced Density Alternative would have to demonstrate compliance with the applicable policies from the City's General Plan, EMC regulations, and Draft Subarea Plan in order to obtain project approvals. The Reduced Density Alternative would provide new residential units where envisioned in the General Plan (although it would provide two less units than the project, it still would meet the City's overall housing needs identified in the Housing Element Update), be consistent with the State Density Bonus Law and City inclusionary housing regulations, create visually diverse and aesthetically appealing residential units, avoid encroachment into steep slopes greater than 25 percent gradient and sensitive habitats, pay its fair share for public services, comply with applicable EMC regulations related to noise, public services, and wildfire, implement various source control and site design BMP to protect water quality, and minimize impacts to sensitive biological habitats and cultural resources. As such, the Reduced Density Alternative would result in less-than-significant land use policy impacts, similar to those identified for the project.

Noise and Vibration

The project would result in potentially significant short-term construction noise impacts. As the Reduced Density Alternative would require construction activities similar in nature to that of the project, and construction activities would occur at a similar distance to the adjacent off-site sensitive receptors, construction noise impacts associated with the Reduced Density Alternative are expected to be potentially significant, and noise levels similar in magnitude to those identified for the project. The incorporation of mitigation would reduce the temporary construction noise impacts associated with the Reduced Density Alternative to a less-than-significant level, similar to the project.

In regard to operational noise, ADT would be reduced by approximately 7.4 percent under this alternative, due to a reduction in total single-family units. As such, project-related noise level increase on local roadways would be slightly reduced as compared to the project. As discussed in Section 4.7, *Noise and Vibration*, the project-related traffic did not result in any audible changes to traffic noise levels at the three modeled locations. Similarly, with a slight reduction in project-related traffic, the Reduced Density Alternative would not result in operational traffic noise impacts. The Reduced Density Alternative would locate residences at a similar distance to off-site sensitive receptors, resulting in a similar, less-than-significant impact associated with stationary operational noise as that identified for the project.

Transportation

The Reduced Density Alternative would result in a reduction in operational traffic by about 7.4 percent as compared to the project. The development of 25 single-family residential dwelling units associated with the alternative would result in 250 ADT. The 2019 San Diego ITE guidelines state that projects with less than 1,000 ADT that are consistent with the zoning are presumed to have less than significant VMT impacts. Similar to the project, this alternative would result in less ADT than the 1,000 ADT threshold and would be consistent with the zoning for the project site when taking into account density allowances under State Density Bonus Law. As such, VMT impacts are presumed to be less than significant for the Reduced Density Alternative, the same as identified for the project. The project would result in less-than-significant impacts associated with transportation plans, VMT, transportation design hazards, and emergency access; therefore, no mitigation measures are required. Similarly, the Reduced Density Alternative would have the same access points off of Ocean Bluff Way and would be required to comply with applicable transportation plans and City and Fire Department requirements related to hazards due to design feature and emergency access. Compliance with existing City and Fire Department requirements would ensure impacts for the Reduced Density Alternative are less than significant.

Tribal Cultural Resources

Ground disturbance associated with development of the Reduced Density Alternative would be the same as that identified for the project. Therefore, the likelihood of encountering unknown tribal cultural resources would be the same as that identified for the project. Both scenarios would have a significant but mitigable potential for impacts to unidentified tribal cultural resources, with the same mitigation requirements for construction monitoring.

5.5 Summary of Alternatives Analysis

The project alternatives discussed in this section are intended to avoid or substantially lessen one or more of the significant impacts identified for the project to below a level of significant. A summary comparison of impact levels for the environmental issues analyzed in detail in this EIR is provided in **Table 5-1**, *Project Alternatives Summary of Impacts*.

TABLE 5-1
PROJECT ALTERNATIVES SUMMARY OF IMPACTS

Environmental Issue[a]	Project	No Project Alternative	Reduced Footprint Alternative	Reduced Density Alternative
Aesthetics	LS	NI	LS	LS
Air Quality	SM	NI	LS<	LS<
Biological Resources	SM	NI	SM<	SM
Cultural Resources	SM	NI	SM<	SM
Land Use and Planning	LS	NI	LS	LS
Noise and Vibration	SM	NI	SM	SM
Transportation	LS	NI	LS<	LS<
Tribal Cultural Resource	SM	NI	SM<	SM

ABBREVIATIONS: SU = significant and unmitigable; SM = significant and mitigable; LS = less than significant; NI = no impact; < = less than the project; > = more than the project

NOTE:

a. Only the environmental effects analyzed in Chapter 4 are included in this comparison matrix.

5.6 Environmentally Superior Alternative

Pursuant to CEQA Guidelines Section 15126(e)(2), "if the environmentally superior alternative is the 'No Project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Based on the information contained in Table 5-1 and the discussions in Sections 5.4.1 through 5.4.3, the Reduced Footprint Alternative would be the environmentally superior alternative. Specifically, this alternative would reduce significant and mitigable impacts to biological resources due to an increased setback from sensitive vegetation/habitat and steep slopes and to cultural resources and tribal cultural resources by disturbing a smaller area. The Reduced Footprint Alternative would reduce some of the less-than-significant impacts of the project, including air quality and traffic. Construction air quality impacts would be slightly reduced due to a decreased construction footprint and operational air quality and traffic impacts would be slightly reduced due to a reduction in operational traffic. There are no significant and unmitigable impacts associated with the project; therefore, there are no alternatives that would reduce significant and unmitigable impacts.

6. OTHER CEQA CONSIDERATIONS

6.1 Cumulative Impacts

The California Environmental Quality Act (CEQA) requires that Environmental Impact Reports (EIRs) discuss cumulative impacts in addition to project-specific impacts. CEQA Guidelines Section 15355 define a cumulative impact as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." The CEQA Guidelines [Section 15130(a)(1)] further state that "an EIR should not discuss impacts which do not result in part from the project."

Pursuant to CEQA Guidelines Section 15130(b), the discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to the proposed project alone.

CEQA Guidelines Section 15130(b) presents two approaches for analyzing cumulative impacts:

> (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.
>
> (B) A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative impact.

The basis and geographic area for the analysis of cumulative impacts is dependent on the nature of the issue and the project. In some cases, regional planning addresses cumulative impacts, while in other cases, the analysis takes into consideration more-localized effects. A list of past, present, and reasonably anticipated future projects with active applications within the City is provided in **Table 6-1**, *Cumulative Projects List*, while **Table 6-2**, *Potential Cumulative Housing Projects*, identifies potential housing sites in the City's Housing Element update. **Figure 6-1**, *Cumulative Projects*, illustrates cumulative project locations identified in Table 6-1.

In April 2021, the City approved the 6th Cycle Housing Element Update for 2021–2029 (Updated HEU). Along with identifying housing programs aimed at new housing construction, rehabilitation, and conservation of the existing affordable housing stock, the Updated HEU also identified specific "Housing Element Sites (HES)" that were suitable for lower income housing which were included in the R-30 Overlay Zone. Additionally, the HEU included a projected number of very-low- and low-income housing units that could be accommodated on each HES.

At the time of the NOP's publication, several of the HES had either been approved for development or were in the process of seeking development approval. For this reason, it is reasonably foreseeable that the remaining HES may also file application(s) for development. HES having "active development applications" are identified in Table 6-1. The remaining HES that do not have "active development applications," along with their projected yield of affordable dwelling units are presented in Table 6-2. The project site is not identified as a potential housing site in the current HEU inventory list.

The geographic scope of the cumulative impact analysis presented herein varies depending on the environmental issue being analyzed. The geographic scope or setting for the cumulative impact analysis is identified under each environmental topic addressed herein.

TABLE 6-1
CUMULATIVE PROJECTS LIST (PAST, PRESENT, AND REASONABLY ANTICIPATED FUTURE PROJECTS WITH ACTIVE APPLICATIONS)

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
1.	The Lakes Residential Subdivision	Buffalo of Birmingham Investors, LLC	9 single-family homes on 5.53-acre site.	Project Approved (2019)	1.1 miles south
2.	Manchester Estates	City of Encinitas	12 single-family homes on 22.3-acre site	Withdrawn	1.4 miles southeast
3.	Marea Village Mixed Use Development Project (*)	Encinitas Beach Land Venture I, LLC	Mixed-use development consisting of 94 multiple-family units, a boutique resort hotel (30 rooms), and 18,262 SF of commercial.	Project Approved (2022)	3.6 miles northwest
4.	Fox Point Farms (*)	Nolen Communities, LLC	"Agrihood" community on 21.48-acre site. Uses include 250 condominium units, community gardens, trails, recreation, restaurant, and farming operations.	Under Construction	1.9 miles northwest
5.	Belmont Village Encinitas-by-the-Sea	Greystar, Inc.	188-unit senior care facility and 16 single-family units on 9.027-acre site. Project includes open space lots and improvements to Manchester Avenue.	Building/Grading Permits under City Review	1.8 miles southeast
6.	Vulcan Avenue Apartments (*)	Vulcan Encinitas LLC	Demolish existing structures and parking area and construct 72 multiple-family apartments.	Under Construction	3.6 miles northwest
7.	735 Santa Fe Drive	East Cove Cottages	Construction of 14 single-family residences, new hardscape and landscape with a private access road.	City Review in Progress	0.6 miles southwest
8.	845 Santa Fe Drive MULTI-004398-2021	The Swell Fund	A residential project replacing an existing church with 57 dwelling units	City Review in Progress	0.5 miles southwest
9.	1146 Evergreen Drive	L.H. Woods & Sons, Inc.	A residential project with 3 dwelling units	City Review in Progress	0.3 miles southwest
10.	3rd Street Duplex	221 West G Street, LLC	Duplex with two detached 2-car garages.	City Review in Progress	1.5 miles west
11.	777 Mixed Use Project	777 2nd St, LLC	Mixed use development including 9 multiple-family units and commercial space.	Building/Grading Permits under City Review	1.5 miles west

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
12.	Scripps Encinitas Acute Care Building	Scripps Memorial Hospital Encinitas	Acute care building (600,000 SF) at Scripps Encinitas Hospital Campus.	Under Construction	1.0 mile west
13.	Chesterfield Office Building MULTI-003062-2019	Dale Wilson	Remodel exterior façade of existing office building, add second story balcony, update parking lot and landscaping, provide ADA accessibility.	City Review in Progress	1.6 miles southwest
14.	Sage Canyon Apartments (1)	Sage Canyon Investors, LLC	Construction of 120 residential apartment units	Project Approved/ Pending Coastal Commission Appeal	1.1 miles southeast
15.	Quail Meadows Apartments (*)	Baldwin and Sons, Inc.	Construction of 485 residential apartment units located at 185, 195, 211 & 225 Quail Gardens Drive.	City Review in Progress	0.2 miles northwest
16.	Sunshine Gardens Apartments (*)	Nolen Communities, Inc.	Construction of 140 residential apartment units located at 155 Quail Gardens Drive and 628 and 630 Encinitas Boulevard.	Under Construction	0.17 miles northwest
17.	Weston Subdivision	DCM Properties, Inc.	Construction of 46 single-family residential units.	Under Construction	3.5 miles northwest
18.	Saints Constantine and Helen Senior Apartments (*)	Saints Constantine and Helen Greek Orthodox Church	Construction of 60 residential apartment units, 3459 Manchester Avenue.	Building/Grading Permits under City Review	1.5 miles southeast
19.	Moonlight Station Apartments (*)	Raintree Partners, LLC	Construction of 202 residential apartment units at 550 Encinitas Boulevard.	Project Approved	0.25 miles northwest
20.	Clark Street Apartments (*) MULTI-004609-2021, DR-004610-2021; BADJ-004611-2021, CDPNF-004612-2021, USE-005506-2022	Ken O'Neill	Construction of 199 residential apartment units, 662, 672 & 682 Clark Avenue and 556 Union Street.	Building/Grading Permits under City Review	1.7 miles northwest
21.	La Costa Boutique Hotel PR-000123-2023	DM La Costa Ave, LLC	Construction of 17-unit hotel and restaurant.	City Review in Progress	3.5 miles northwest

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
22.	Marcheta New Single-Family Residence CDP-004213-2020, CDP-004214-2020	Ben Ryan	Coastal Development Permit to allow the demolition of an existing duplex and accessory structures, the construction of two new single-family residences, and site improvements.	Under Construction	2.0 miles northwest
23.	Osuna Single-Family Residence CDP-004706-2021	Jaime Osuna	Coastal Development Permit to construct a new single-family residence with a detached accessory dwelling unit on a vacant lot.	Under Construction	0.6 miles northwest
24.	Osuna Single-Family Residence CDP-004707-2021	Jaime Osuna	Coastal Development Permit to construct a new single-family residence with a detached accessory dwelling unit on a vacant lot.	Under Construction	0.6 miles northwest
25.	Osuna Single-Family Residence CDP-004708-2021	Jaime Osuna	Coastal Development Permit to construct a new single-family residence with a detached accessory dwelling unit on a vacant lot.	Under Construction	0.7 miles northwest
26.	Rippy Tentative Map Time Extension MULTI-004699-2021	Ciara Trujillo	Time Extension for approved Tentative Parcel Map and Coastal Development Permit (Case No. 18-055 TPM/CDP, DSD 2019-27).	Project Approved (2022)	0.5 miles west
27.	Umar Remodel CDP-004827-2021	Greg Jordan	Coastal Development Permit for the remodel of a condominium including raising the plate height on the western wall to 11 feet.	Abandoned	3.5 miles northwest
28.	Milligan Residence MULTI-4519-2021, DR-4524-2021, CDP-4522-2021, and USE-4785-2021	Tim Milligan	Minor Use Permit, Administrative Design Review Permit, and Coastal Development Permit for the construction of a new one-story single-family residence (4,006 SF), detached garage (1,144 SF), and a detached Accessory Dwelling Unit (850 SF).	Under Construction	1.4 miles southwest
29.	Hanwit New Single-Family Residence CDP-004541-2021	Jonathan Hanwit	Coastal Development Permit to demolish all onsite structures and construct a new primary single-family residence with site improvements on a vacant lot.	Under Construction	2.4 miles northwest
30.	615 Arden LLC Single-Family Residence CDP-004654-2021	615 Arden LLC	Coastal Development Permit to demolish an existing residence and construct a new single-family residence on an existing vacant lot, and a temporary construction trailer.	Under Construction	1.2 miles northwest

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
31.	Stern Remodel & Addition CDP-5111-2022; CPP-5137-2022	Tommy Young and Bart Smith	Remodeling of, and two-story addition to, an existing two-story single-family residence. The proposed renovations and additions will result in a total building size of 4,116 square feet.	Under Construction	2.8 miles northwest
32.	Welcher Residence MULTI-003575-2020; BADJ-003576-2020; CDP-002828-2018	BA Worthing Inc	Coastal Development Permit and Boundary Adjustment to convert existing triplex into a single-family residence with a JADU and attached ADU and consolidate three lots into one.	Under Construction	1.4 miles northwest
33.	La Costa 48 Tentative Map Time Extension EXT-004953-2021	Brian Ardolino	A one-year time extension for approved Planning Case No. 15-222, a Tentative Map-Density Bonus Coastal Development Permit, Design Review, and Environmental Impact Report.	Complete	3.5 miles northwest
34.	Goldberg Residence CDP-005197-2022	Christopher Miller and Soheil Nakhshab	Coastal Development Permit to allow for the construction of a single-family home	Under Construction	1.1 miles southwest
35.	Piraeus Point	Lennar Homes	Construction of 134 residential condominiums (14 of which are very low-income affordable units) and related infrastructure and improvements on a vacant lot at the northeast corner of Plato Place and Piraeus Street.	Project Approved (2024)	2.4 miles northwest
36.	The Captain Design Review CDP, TM/DB	RAF Pacifica Group	The mixed-use project: office uses (32,000 SF), 2,600 SF restaurant, 45 DUs and underground parking (200 spaces). Existing Portofino, adjacent commercial structures, and Captain Keno's restaurant would be demolished	Building/Grading Permits under City Review	1.8 miles northwest
37.	Olivenhain Estates DB, MULTI-004190-2020 105 S Rancho Santa Fe Rd	Andrew Kean	Tentative Map, Density Bonus, and Design Review for a 14-lot Density Bonus Subdivision.	City Review in Progress	1.5 miles west
38.	Burtech Mixed-Use MULTI-004198-2020 102 Second St	Dominic Burtech	15 attached DUs (13 market-rate and 2 affordable very-low-income units)	City Review in Progress	1.9 miles northwest
39.	Carefield Living Encinitas MULTI-004789-2021 1877 Olivenhain Road	SH 5 Encinitas LLC	Demolition of portions of an existing equestrian facility and construction of new assisted care facility 70 units (22 memory care and 48 assisted living) with portions of the equestrian facility and use remaining.	City Review in Progress	2 miles northeast

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
40.	Andrew 241 DB MULT-005053-2021 241 Andrew Ave	May Family Trust 1972	12 units and 7 ADUs	City Review in Progress	3.6 miles northwest
41.	Vulcan 12 MULTI-002569-2018 555 North Vulcan Avenue	DLS Holdings LP	Consolidation of two parcels, demolition of onsite structures, and construction of 12 detached DUs; site and road improvements, and a temporary construction trailer.	City Review in Progress	2.3 miles northwest
42.	Camino	Nolen Communities	Construction of new 87-unit residential apartments.	Project Approved (2024)	1 mile northeast
43.	The Sanctuary	Udi Melamed	Subdivision of One Existing Lot into Nine Residential Lots, One Private Street Lot and One Open Space Lot and Lot Line Adjustment for Adjacent Lot	Project Approved (2024)	2 miles east
44.	The Preserve	Nolen Communities	Subdivision of one lot for the construction of 35 single-family homes and associated infrastructure.	City Review in Progress	2 miles southeast
45.	Torrey Crest	Torrey Pacific Corporation	Demolition of all onsite structures; subdivision of seven existing parcels into 30 lots for the construction of 30 new single-family homes (27 market-rate units and three very-low affordable units) and associated improvements	Project Approved (2024)	0.6 miles southeast
Public Improvements					
46.	North Coast Highway 101 Streetscape Improvements	City of Encinitas	Street improvements to North Coast Highway 101 between La Costa Avenue and A Street.	Project Approved (2018)	1.6 miles northwest
47.	Birmingham Streetscape MULTI-2718-2017, CDP-2719-2018; DR-4386-2021 (17-238 DR/CPP)	City of Encinitas	Installation of sidewalks, pavement overlay, a roundabout at Newcastle Drive, undergrounding overhead utility lines, upgrading street lighting, landscaping, low impact drainage concepts.	City Review in Progress	1.1 miles southwest

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
48.	Verdi Pedestrian Rail Undercrossing MULTI-003985-2020; DR-003986-2020; CDPNF-003987-2020; CPP-003988-2020 (18-094 DR/CDP)	City of Encinitas	Installation of pedestrian undercrossing at San Elijo Ave., between Liszt Ave. and Verdi Ave. Pedestrian Rail, new sidewalk, cairns, benches, decorative sidewalk and artistic attributes, landscaping, crosswalks, and crosswalk at Highway 101 with signal control within NCTD and City right-of-way.	City Review in Progress	1.5 miles southwest
49.	Santa Fe Drive Improvements Case Nos. MULTI-004417-2021; DR-004418-2021; CDPNF-004419-2021; and CPP-004420-2021	City of Encinitas	Construction of sidewalk, curb and gutter, bicycle lanes, round-about, and curb ramps for 1.25-mile segment of Santa Fe Drive, from I-5 to El Camino Real.	Project Approved (2022)	0.3 miles south
50.	North Coast Highway 101 Drainage Improvement Project CDPNF-004271-2020/ CPP-004272-2020	City of Encinitas	New stormwater pipeline infrastructure to reduce flooding along North Coast Highway 101 between Basil Street and La Costa Avenue.	City Review in Progress	2.2 miles northwest
51.	B Street Sewer Main Improvements Streets Project CDP-004916-2021; CPP-004963-2021	City of Encinitas	Sewer main improvements on B Street from alley between Third Street and Fourth Street to Third Street. Existing vitrified clay pipe would be replaced with polyvinyl pipe.	City Review in Progress	1.7 miles northwest
52.	S. Coast Highway 101 Sidewalk to Solana Beach Project CPP-005167-2022; USE-005157-2022	City of Encinitas	Construction of 675 linear feet of curb, gutter and sidewalk, grading, construction of retaining walls, railing, new curb ramps and crosswalk striping on the west side of South Coast Highway 101 between South Cardiff State Beach Parking Lot Entrance and southern city boundary with Solana Beach.	City Review in Progress	2.6 miles southwest

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
53.	Beacon's Beach Parking Lot Improvements MULTI-5151-2022; USE 5152-2022; CDPNF-5152-2022; CPP-5148-2022	Matt Widelski	Major Use Permit and Coastal Development Permit for modifications to an existing parking lot along the bluff access point for Beacon's Beach, west of Neptune Ave.	City Review in Progress	2.7 miles northwest
54.	Lake Drive Storm Drain Improvements Design Review Permit and Coastal Development permit	City of Encinitas	Construction of detention basin west of Lake Drive in APN 261-150-69. The existing 48-inch corrugated metal pipe would be removed and replaced with 48-inch reinforced concrete pipe for 2,000 feet, from the basin to the drainage structures underneath I-5. Existing asphalt access road from Lake Drive would be overlain with asphalt concrete to provide access to the basin and new storm drainpipes.	City Review in Progress	1.3 miles south

SOURCE City of Encinitas Planning Department 2024g

ABBREVIATIONS: I-5 = Interstate 5; SF = square feet; PC = Planning Commission; CC = City Council

NOTE:

* All or portion of project is an active Housing Element Update Project.

TABLE 6-2
POTENTIAL CUMULATIVE HOUSING PROJECTS (6TH CYCLE HOUSING ELEMENT UPDATE PROJECTIONS)

HEU Site No.[a]	HEU Site Name	Gross Acreage	Net Acreage	Unit Yield[b]
06a	Armstrong Parcels	1.92	1.06	31
AD9	Seacoast Church	4.45	1.41	42
AD11	Manchester Avenue West Sites	1.67	1.67	50
AD14	Harrison Sites	1.91	1.91	25

SOURCE: City of Encinitas Housing Element Update 2021–2029

NOTES:

a. Includes those HEU sites that are Inactive at the time of publication of the NOP, that is, for which a development application has not been submitted.
b. Denotes the number of DUs proposed in the HEU.

Aerial Photo: USDA NAIP 2022

Figure 6-1

Cumulative Projects

OCEAN BLUFF RESIDENTIAL EIR

BARANEK Consulting Group

N

0 3,500 Feet

6.1.1 Aesthetics

The geographic scope for the analysis of cumulative aesthetics impacts is the area within 0.5 miles of the project site where projects are proposed within the Old Encinitas community and within the same viewshed as the proposed project would be located. Otherwise, the projects situated within the cumulative setting would not be viewed in the context of the proposed project or affect aesthetics in the project area. As discussed in Section 4.2, *Aesthetics*, the proposed project would not result in impacts to scenic vistas and scenic resources in the project area. Less than significant visual character, public view and light or glare impacts are identified based on compliance with the City's Design Review Standards and Guidelines. As stated in Section 4.2, design review approval signifies a project's compliance with the architectural appearance and physical development standards of the City.

The cumulative projects situated along the Encinitas Boulevard corridor closest to the project site, including Quail Meadows Apartments, Sunshine Gardens Apartments, and Moonlight Station Apartments and the single-family residences proposed in the neighborhood southwest of the project, such as the three Osuna Single-Family Residences, are considered in this cumulative analysis. With regard to cumulative scenic vista impacts, all of the projects in the cumulative study area are situated outside the Interstate 5 (I-5) view corridor and west of the two scenic vista points identified in the Resource Management Element of the General Plan (refer to Figure 4.2-2). Thus, development of those projects in combination with the proposed project, would not result in cumulative impacts to scenic vistas. The cumulative projects are situated on previously developed or disturbed infill sites that lack unique scenic resources, such as mature trees, rock outcrops or historic properties visible from a state scenic highway. Therefore, cumulative impacts to scenic resources in the Old Encinitas portion of the City would not occur as no scenic vistas occur and no scenic resources would be damaged. Therefore, cumulatively significant scenic vista changes would not occur and the project would not result in cumulatively considerable impacts to scenic resources.

With regard to visual character and public views, several of the projects in the cumulative area would be visible from Encinitas Boulevard. Public views along Encinitas Boulevard are characterized by single- and multi-family residential development, varied commercial uses, established mature landscaping, and undeveloped steep slopes. Construction of the residential projects in the cumulative study area would convert currently vacant sites to residential development sites. Each project design would undergo review for consistency with the objective design standards directed at projects undergo discretionary review. The review process would take into account site planning, grading, circulation, parking and streetscape, architecture and signage, lighting and landscaping and seeks to assist in promoting the positive design characteristics that exist throughout the City. Given that site-specific sensitive design techniques would be identified during the review process to blend the new development in with existing uses in the area, it is expected that each of the cumulative projects would be conditioned to comply with the EMC development regulations and not adversely impact visual character or public view quality. All cumulative projects in the vicinity of the proposed project, and development of other future land uses in the surrounding viewshed, would be conditioned by the City's discretionary review process on a site-specific basis to avoid, reduce, and mitigate significant visual impacts relative to the proposed improvements. Therefore, the proposed project's visual character changes, in combination with the cumulative projects in the area, would not result in cumulatively considerable impacts to visual character or public view quality.

Other existing, approved, proposed, or reasonably foreseeable projects that could combine with the proposed project to contribute to an increase in daytime glare or nighttime lighting would include residences and commercial uses in proximity to the project site and in the surrounding area. Each of these cumulative projects would be required to conform to the City's lighting and glare standards in the EMC. Compliance with the light and glare reduction standards would ensure that cumulative light and glare impacts would not occur in the project area.

Therefore, the project's contribution to impacts on aesthetic resources would be considered less than cumulatively considerable.

6.1.2 Air Quality

The geographic scope for the analysis of cumulative air quality impacts is the San Diego Air Basin (SDAB). It is appropriate to consider the entire air basin as air emissions can travel substantial distances and are not confined by jurisdictional boundaries; rather, they are influenced by large-scale climatic and topographical features. While some air quality emissions can be localized, such as a carbon monoxide (CO) hotspot or odor, the overall consideration of cumulative air quality is typically more regional. By its very nature, air pollution is largely a cumulative impact.

In analyzing cumulative impacts from a project, the analysis must specifically evaluate the project's contribution to the cumulative increase in pollutants for which the SDAB is designated as nonattainment for the CAAQS and NAAQS. If the project does not exceed thresholds and is determined to have less than significant project-specific impacts, it may still contribute to a significant cumulative impact on air quality if the emissions from the project components, in combination with the emissions from other proposed or reasonably foreseeable future projects, are in excess of established thresholds. However, the project would only be considered to have a significant cumulative impact if its contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a "cumulatively considerable contribution" to the cumulative air quality impact).

Additionally, for the SDAB, the RAQS serves as the long-term regional air quality planning document for the purpose of assessing cumulative operational emissions within the basin to ensure the SDAB continues to make progress toward NAAQS and CAAQS attainment status. As such, cumulative projects located in the San Diego region would have the potential to result in a cumulative impact to air quality if, in combination, they would conflict with or obstruct implementation of the RAQS. Similarly, individual projects that are inconsistent with the regional planning documents on which the RAQS is based would have the potential to result in cumulative impacts if they represent development beyond regional projections.

The SDAB has been designated as a federal nonattainment area for ozone (O_3) and a state nonattainment area for O_3, PM_{10}, and $PM_{2.5}$. PM_{10} and $PM_{2.5}$ emissions associated with construction generally result in near-field impacts. The nonattainment status is the result of cumulative emissions from all sources of these air pollutants and their precursors within the SDAB. As shown in Table 4.3-3 (in Section 4.3, *Air Quality*), the emissions of all criteria pollutants from the project's construction would be below the significance levels. Construction would be short term, temporary in nature, and activities would be considered typical of a residential project. Once construction is completed, construction-related emissions would cease. As shown in Table 4.3-4 (in Section 4.3, *Air Quality*),

operational emissions generated by the project would not result in emissions that exceed significance thresholds for any criteria air pollutant. As such, the project would result in less than significant cumulative impacts to air quality.

Regarding long-term cumulative operational emissions in relation to consistency with local air quality plans, the SIP and RAQS serve as the primary air quality planning documents for the state and SDAB, respectively. The SIP and RAQS rely on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and by the County as part of the development of their general plans. Therefore, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the SIP and RAQS and would not be considered to result in cumulatively considerable impacts from operational emissions. The project is consistent with the SANDAG growth projections. Thus, it would be consistent at a regional level with the underlying growth forecasts in the SIP and RAQS. Therefore, cumulatively considerable impacts would not occur as a result of the project.

6.1.3 Biological Resources

The geographic scope for the analysis of cumulative impacts related to biological resources is defined as the undeveloped areas within the City. The protection of biological resources in the City is generally enforced through the Draft Subarea Plan. The Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the larger Multiple Habitat Conservation Plan framework. As discussed in Section 4.4, *Biological Resources*, the project site is outside of any areas proposed for habitat or species conservation. The project would result in potentially significant direct and indirect impacts to candidate, sensitive, or special-status wildlife species and potentially significant indirect impacts to candidate, sensitive, or special-status plant species; however, impacts to these species would be reduced to a less than significant level with implementation of Mitigation Measures BIO-1 through BIO-9. The project would not result in significant impacts to riparian habitats or other sensitive natural communities, nor impacts to jurisdictional aquatic resources, local policies or ordinances protecting biological resources, or adopted conservation plans. The project would result in potentially significant impacts to birds using the site and adjacent area for refuge, cover, and foraging opportunities during wildlife movement; however, these impacts would be reduced to a less than significant level through implementation of Mitigation Measures BIO-6 through BIO-9. The project, in combination with cumulative projects proposed on undeveloped land, could result in a significant cumulative impact. All projects located within the Draft Subarea Plan area would be subject to the goals and policies outlined in the plan. Similar to the project, any cumulative projects in the City that would impact biological resources would be required to mitigate impacts to below a level of significance to the extent feasible. If mitigation would not reduce impacts to a less than significant level, then the combination of multiple projects impacting biological resources could result in a significant cumulative impact. As the project would result in significant impacts that can be mitigated to a less than significant level and complies with the requirements of the Draft Subarea Plan and local ordinances protecting biological resources, including the City's Municipal Tree Ordinance and the City's Urban Forest Management Program, it would not contribute to a cumulatively considerable significant impact to biological resources. No mitigation for cumulative impacts would be required.

6.1.4 Cultural Resources

The geographic scope of the cumulative impacts analysis related to cultural resources is defined as all areas within the City. As discussed in Section 4.5, *Cultural Resources*, the project would result in less than significant impacts to historic resources, as the on-site historic-period concrete foundation was determined not eligible for listing in the CRHR; thus, the project would not contribute to a cumulative impact on historic resources. No known archaeological sites of significance would be impacted by the project, as described in Section 4.5, *Cultural Resources*. However, cultural resources mitigation, in the form of monitoring, would be implemented during construction to avoid or reduce potential impacts to unknown subsurface resources to below a level of significance. Additionally, project mitigation includes measures to follow if the discovery of human remains occurs. Similarly, while no known paleontological resources are present on the project site, the project would require excavation in excess of significance thresholds into formations of moderate resource sensitivity. Mitigation requiring construction monitoring for paleontological resources would reduce impacts to a less than significant level. Every project impacting land that has the potential for unknown archaeological resources and/or paleontological resources would undergo similar reviews in terms of determining the presence of archaeological and paleontological resources and the potential for unknown buried resources. Similar treatment of potential resources is anticipated for other projects in the City during construction, ensuring no resources are destroyed without appropriate Native American contact and mitigation. As a result, the project would not result in a cumulatively considerable contribution to the loss of regional historic, archaeological, or paleontological resources.

6.1.5 Land Use and Planning

The geographic scope of the cumulative impacts analysis related to land use and planning is defined as all areas within the City. As discussed in Section 4.6, *Land Use and Planning*, the project would result in less than significant impacts to dividing established communities and causing impacts to environmental resources as a result of a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating environmental impacts. Each of the projects identified in the cumulative setting are proposed in generally urban locations because of the built-out nature of the City. None of the projects would cause a physical division, including through the construction of large, incongruent structures, closing public streets, or otherwise hindering access through their project sites or surrounding areas. Therefore, a cumulative impact related to dividing an established community would occur. With regard to compliance with City land use plans, policies, or regulations, each of the projects in the cumulative setting would be required to demonstrate compliance with the applicable policies from the City's General Plan, EMC regulations, and Draft Subarea Plan in order to obtain project approvals. If inconsistencies are identified that would result in impacts to environmental resources, mitigation would be applied to reduce those impacts to less than significant. The project would provide new single-family residential units where envisioned in the General Plan, create visually diverse and aesthetically appealing residential units, avoid encroachment into steep slopes greater than 25 percent gradient and sensitive habitats, pay its fair share for public services, comply with applicable EMC regulations related to noise, public services, and wildfire, implement various source control and site design Best Management Practices (BMPs) to protect water quality, and minimize impacts to sensitive biological habitats and cultural resources. Therefore, the project would not result in considerable contribution to cumulative land use impacts.

6.1.6 Noise and Vibration

The geographic scope for noise and vibration cumulative impacts analysis is the area immediately surrounding the project site and roadways that would be used by project residents' vehicles. Generally, noise impacts are limited to the area directly surrounding the noise generator, as noise attenuates with distance and intervening structures and topography and only has the potential to combine with other noise sources in the immediate vicinity.

Construction activities associated with the project would primarily affect the areas immediately adjacent to a construction site and only during such activities. While the majority of the cumulative projects identified in Table 6-1 and shown in Figure 6-1 are located too far from the project site to contribute to cumulative construction noise impacts, there are some projects located in close proximity to the project site that could contribute to a cumulative construction noise impact if construction activities for the project and other cumulative projects in close proximity occurred at the same time. The project would have significant construction noise impacts on nearby sensitive receptors, The nearest cumulative project locations are within approximately 0.2 mile of the project site, with three projects (Quail Meadows Apartments, Sunshine Gardens Apartments, and Moonlight Station Apartments; cumulative projects 15, 16 and 19; refer to Figure 6-1) occurring in the general vicinity of the Quail Gardens Drive/Encinitas Boulevard intersection west of the project site, which would require mitigation to comply with the City's Noise Ordinance limit. With implementation of mitigation, project-specific impacts would be reduced to a less than significant level. Other cumulative projects would be required to conduct a noise analysis and implement mitigation if necessary to comply with the City's Noise Ordinance limit. Implementation of mitigation for the project and cumulative projects and compliance with the City's Noise Ordinance limit would ensure that the project would not result in cumulatively considerable construction noise impacts and no mitigation for cumulative construction noise impacts would be required.

Ground vibration attenuates rapidly, even over short distances. As discussed in Section 4.7, vibration levels for construction equipment at the project site is estimated to have a vibration velocity level of 0.12 inches per second at a distance of 20 feet, which is below the Caltrans threshold for annoyance of 0.2 inches per second. Therefore, with the nearest cumulative project located approximately 0.2 miles (or approximately 1,000 feet) from the project site, any construction vibration produced at the project site, and other cumulative project sites in close proximity to the site, assuming vibration-generating uses were occurring simultaneously, would not contribute to a cumulatively considerable significant impact. No mitigation for cumulative vibration impacts would be required.

The project would result in less-than-significant operational noise impacts related to transportation noise on local roads and stationary noise sources. Community-wide increases in transportation noise would occur along local roads and freeways with general population growth in the region; however, the project would not contribute to roadway noise increases (refer to Table 4.7-6 in Section 4.7, *Noise and Vibration*). Operational stationary noise generated on site would be compliant with the City's nighttime threshold of 45 dBA hourly L_{eq}, and thus, would not contribute to a cumulatively considerable significant impact.

6.1.7 Transportation

The geographic scope for the analysis of cumulative impacts related to transportation is defined as the areas within the City. As discussed in Section 4.8, *Transportation*, the project would not contribute to a significant impact resulting from a conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, or pedestrian facilities. Consistency with local and regional bicycle and pedestrian plans, community plans, and other similar plans and policies would be evaluated at a project-specific level to identify conformance requirements with planned systems (i.e., provision of new bike lanes, construction of connecting sidewalks or trails). All cumulative projects would also be required to make payment of the City's Transportation Fees to ensure that transportation facilities continue to be adequately provided and maintained. As the project was determined to have a less than significant impact in this regard, it is not anticipated that it would contribute to a significant cumulative impact due to a conflict when considered with the cumulative projects.

OPR's guidance on methodology (OPR 2018) for cumulative impacts are based on a determination of whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects." When using total VMT as a metric, analyzing the combined impacts for a cumulative impacts analysis may be appropriate. A project that falls below the VMT threshold that is aligned with the long-term goals and relevant plans has no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact, and vice versa. As discussed in Section 4.8, *Transportation*, the project has a calculated trip generation of 270 ADT, which is less than the ITE threshold of 1,000 ADT requiring a VMT analysis for projects that are consistent with zoning. Since the project is well below the threshold identified by ITE, it is presumed to have less than significant VMT impacts. Consistent with OPR's guidance, as the project would result in less than significant VMT impacts, it would, accordingly, have a less than significant cumulative impact.

All cumulative projects would be evaluated at a project-specific level to identify whether a project has the potential to result in hazardous conditions relative to transportation and circulation. All such projects would be required to demonstrate conformance with the City's roadway and intersection design standards and would be subject to review as part of the City's project approval process to ensure that the potential to contribute to a substantial increase in hazards would not occur. As appropriate, measures would be incorporated to reduce a project's potential to contribute to any such hazardous conditions. The project would not result in a significant impact related to increased hazards due to design feature or incompatible use, and thus, would not contribute to a cumulatively considerable impact related to hazards due to design feature or incompatible uses.

The Encinitas Fire Department, Engineering Department, and Traffic Engineering Department have reviewed the project, including waivers, and concluded it would not result in any circulation hazards or fire access issues ensuring adequate emergency access is maintained for the site. As such, the project would result in less-than-significant impacts associated with inadequate emergency access. All cumulative projects would also be subject to discretionary review to ensure that adequate emergency access is provided during project construction and operation. Such projects would be required to be designed to City roadway and access standards and to consider the potential for development to contribute to adverse effects on the local and/or regional circulation system,

including in maintaining emergency access at all times. For this reason, the project would not contribute to a cumulatively considerable impact regarding inadequate emergency access.

6.1.8 Tribal Cultural Resources

The geographic scope of the cumulative impacts analysis related to cultural resources is defined as areas within the City. Multiple cumulative projects would involve excavation and other ground-disturbing activities, which would result in the potential to discover previously unknown tribal cultural resources. As discussed in Section 4.9, *Tribal Cultural Resources*, the development of the project site has the potential to result in significant impacts associated with unknown subsurface tribal cultural resources. As required by Assembly Bill 52 (AB 52), lead agencies are required to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. The project has completed consultation as required by AB 52 and discussed in Section 4.9. The project includes implementation of mitigation, which requires construction monitoring during ground disturbing activities and provides measures to follow in the event of the discovery of human remains. This mitigation would reduce project-specific tribal cultural resources impacts to less than significant and as such, the project would not contribute to a significant cumulative tribal cultural resources impact. Other projects in the City would also be required to comply with the requirements of AB 52, including implementing mitigation to reduce impacts if the potential for tribal cultural resources impacts would occur. Therefore, cumulatively significant impacts to tribal cultural resources are not anticipated and no mitigation for cumulative impacts would be required.

6.2 Growth-Inducing Impacts

Discussion of growth-inducing impacts is required by CEQA Guidelines Section 15126.2(e). Growth inducement refers to the "ways in which a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." This typically includes projects that will remove obstacles to population growth, for example, as a result of the provision of public services to undeveloped areas. It must not be assumed that growth in any area is necessarily beneficial or detrimental in its effect on the environment, or that it has an insignificant effect. Each project must be evaluated on its own merit.

Typically, the growth-inducing potential of a project would be considered significant if it stimulates human population growth or a population concentration above what is assumed in local and regional land use plans or in projections made by regional planning authorities.

Significant growth potential could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies.

The project is an infill project that would construct 27 single-family residential units in an urbanized area. The project site is located within the Residential 2.01-3.00 du/ac (R3) and Rural Residential 1.01 - 2.00 du/ac (RR2) General Plan Land Use Designations and the Residential 3 (R-3) and Rural Residential 2 (RR-2) zones. These land use and zoning designations are intended to support single-family residential uses. The proposed uses are consistent with the General Plan land use and zoning designations for the project site. Although the base zoning allows for the construction of 18 dwelling units at the project site, the project qualifies for 9 additional units pursuant to State Density Bonus

Law (Government Code section 65915(f)(2). The project would not directly induce substantial population growth in the area but would help meet the demand for housing within the City and the San Diego region. Additionally, the project would be responsive to Housing Element Update (HEU) programs that require the City to implement inclusionary requirements to ensure affordable units are available throughout the community (Program 2A) and require the City to work with developers to increase the availability of affordable housing in the City (Program 2B).

The project would include the installation of utilities and improvements at the project site, including water, sewer, electricity, and storm drainage. The utilities and improvements would serve the project site only and would connect to existing utilities within adjacent roadways. The project would not extend utilities, improvements, or other infrastructure into any previously unserved areas of the City. No new infrastructure would be provided that would exceed the needs of the project or that could accommodate future growth not already planned for the area. The project site is within an area already served with public services and no new buildings or other improvements would be needed to maintain level of service from public service providers.

The project would provide new employment opportunities for temporary construction workers. The short-term nature of the construction jobs is not anticipated to lead to significant long-term population growth in the region. These jobs would be limited in number; it would be expected that these employees are already present in the region. The project would not need to recruit substantial numbers of new employees living elsewhere in the region. Construction of the proposed project would not cause direct population growth as the workforce already exists in the region. No growth inducing impacts would occur.

6.3 Significant Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(d) requires that an EIR consider and discuss significant irreversible changes that would be caused by implementation of a proposed project. As discussed in Chapter 4, *Environmental Impact Analysis*, the project would primarily result in direct significant impacts associated with air quality (exposure of sensitive receptors to diesel exhaust during construction activities), biological resources (direct impacts to special-status wildlife species and active bird nests and indirect impacts to special status plant and wildlife species), cultural resources (unknown buried archaeological resources, human remains, and paleontological resources), noise (short-term construction), and tribal cultural resources (unknown buried resources). Mitigation measures have been identified that would reduce all identified significant impacts to a less than significant level. The project would not result in any significant, unmitigable impacts. Secondary physical impacts are not anticipated, as described above under *Growth-Inducing Impacts*, because the project would occur on an infill location, all utilities would be sized to only service the project, and access would not be provided to previously inaccessible areas resulting in new growth. As a residential land use, the project has no potential to cause irreversible damage related to the use or accidental release of hazards materials.

The CEQA Guidelines specify that the use of nonrenewable resources during the initial and continued phases of a project should be discussed because a large commitment of such resources makes removal or non-use thereafter unlikely. Primary and secondary impacts (e.g., a highway improvement that provides access to a previously inaccessible area) should also be discussed because such changes generally commit future generations to similar uses. Irreversible damage can also result from environmental accidents associated with a project and should be discussed.

The types and level of development associated with the proposed project would consume limited, slowly renewable and nonrenewable resources. Use of these resources would occur during construction of the proposed project and would continue throughout the operational lifetime of the project. The development of the proposed project would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources, and (3) transportation of goods and people to and from the project site.

Construction of the project would require consumption of resources that are not replenishable or that may renew so slowly as to be considered nonrenewable. These resources would include certain types of lumber and other forest products (e.g., hardwood lumber), aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics) and water. Construction of the project would require electricity to power construction-related equipment. Construction of the project would not involve the consumption of natural gas. Transportation energy represents the largest energy use during construction and would occur from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Water, which is a limited, slowly renewable resource, would also be consumed during construction of the project. However, given the temporary nature of construction activities, and the small-scale nature of the project, water consumption during construction would result in a less than significant impact on water supplies.

The project would use all-electric appliances and end uses, including the installation of electric fireplaces (i.e., no wood burning or natural gas). Energy consumed during operation of the proposed project would be associated with electricity consumption. Energy resources would be used for heating and cooling buildings, transportation, and building lighting. The project would be designed to meet the latest Title 24 and California Green Building Standards Code (CALGreen Code) standards.

In summary, construction and operation of the project would commit the use of slowly renewable and nonrenewable resources and would limit the availability of these resources for future generations or for other uses during the life of the proposed project. However, the use of such resources during construction and operation would be on a small scale and consistent with regional and local development goals for the area and would be a continuation of existing use of such resources. As a result, the project's use of nonrenewable resources would not result in significant irreversible changes to the environment.

6.4 Unavoidable Significant Environmental Impacts

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less than significant level. Chapter 4, *Environmental Impact Analysis*, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts where feasible. Based on this analysis, the project would not result in any significant unavoidable environmental impacts.

6.5 Effects Found Not to Be Significant

In accordance with CEQA Guidelines Section 15128, an EIR must contain a statement briefly indicating the reasons that various potential significant effects of a project were determined not to be significant. The City has determined that the project would not have the potential to cause significant adverse effects associated with the topics identified below. Therefore, these topics are not addressed in Chapter 4, *Environmental Impact Analysis*, of this EIR. The rationale for eliminating these topics is briefly discussed below.

6.5.1 Agriculture and Forestry Resources

The project site is undeveloped and is not currently used for agricultural or forestry. According to the California Important Farmland Finder, the entire project site and surrounding area is designated as "Urban and Built-Up Land" (California Department of Conservation 2024a). Thus, the project would not convert farmland, including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The project site is located within the Residential 2.01–3.00 du/ac (R3) and Rural Residential 1.01–2.00 du/ac (RR2) General Plan Land Use Designations and the Residential 3 (R-3) and Rural Residential 2 (RR-2) zones. These land use and zoning designations are intended to support single-family residential uses. The project site does not contain Williamson Act contract lands (California Department of Conservation 2024b). Thus, the project would not conflict with existing zoning for agricultural uses or a Williamson Act contract. The project site consists of an undeveloped parcel in an urban environment and does not contain any forest land. As such, the project would not result in conflicts with forest land, the loss of forest land, or the conversion of forest land to non-forest use. The project does not involve other changes which could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. No impacts to agriculture and forestry uses would occur. Project-related impacts with respect to agricultural and forestry resources are not evaluated further in this EIR.

6.5.2 Energy

Construction of the project would require energy for the manufacture and transport of construction materials to the site, preparation of the site for grading activities, and construction of the residences. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. Construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. To minimize fossil fuel energy consumption, the project would provide temporary electricity to the project site and prohibit the use of diesel-fueled/ natural gas fueled generators during the building construction phases. The project would also limit air compressors used during the architectural coating/painting phases to equipment that is electric powered. These measures to minimize fossil fuel energy consumption during construction would be project conditions of approval. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the state's available energy sources.

The expected energy consumption during operation of the proposed project would be consistent with typical usage rates for residential uses. The project would comply with the latest Title 24 and CALGreen standards and City's Climate Action Plan (CAP), including the installation of solar

photovoltaic equipment, all-electric appliances, and electrical vehicle (EV) charging. Therefore, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project operation. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the project would have a less than significant impact on energy resources, and this issue is not further discussed in this EIR.

6.5.3 Geology and Soils

There are no known active or potentially active faults at the project site. Additionally, the project site is not located within an Alquist-Priolo Earthquake Fault Zone or Special Studies Zone. The nearest known active fault is the Newport Inglewood Connected Fault, located approximately 3.3 miles west of the project site (GeoTek 2023). Due to the absence of known earthquake faults at the project site, the project would not directly or indirectly cause potential substantial adverse effects associated with the rupture of an earthquake fault.

The project site is in a seismically active region and is subject to ground shaking associated with earthquakes. Several major fault zones for present in the vicinity, including the Elsinore Fault zone, the San Jacinto Fault zones and the San Andreas fault zone. Liquefaction and seismic settlement potential at the project site is considered negligible due to the relative density of the formational materials that underlie the site and the lack of groundwater at the site (GeoTek 2023). The project site is mapped within a State of California Seismic Hazard Zone for seismically induced landslides, with portions of the project site designated as having general susceptibility and portions of the site designated as marginally susceptible for landslides. Manufactured slopes are present on the project site. A previous geotechnical evaluation of the project site (CTE Cal Inc. 2017) ran a slope stability analysis of the manufactured cut slope along the north side of the site, which was determined to be the most critical slope, and the analysis concluded that the slope is stable. Additionally, a slope stability analysis of the existing cut slope along Encinitas Boulevard, of the proposed fill slope along the western portion of the project site, and of Lot 17 on the eastern boundary of the project site determined that analyzed slopes would be grossly stable (GeoTek 2023, 2024). The EMC contains building and construction codes for development projects within the City (EMC Section 23.12, *Uniform Codes for Construction*). The project would be constructed pursuant to requirements of the EMC and the California Building Code (CBC). Additionally, the project would implement recommendations of the site-specific geotechnical evaluation as conditions of project approval (GeoTek 2023; **Appendix G**, *Updated Geotechnical Evaluation*, and **Appendix H**, *Geotechnical Evaluation Lots 15-17 Re-Alignment*), which include earthwork considerations and design recommendations based on the site-specific geotechnical conditions. Implementation of the construction requirements of the EMC, CBC and project-specific geotechnical recommendations would ensure that impacts related to seismic hazards would be less than significant.

Project construction would result in soil excavation and soil movement at the project site, resulting in an increased potential for soil erosion. During a storm event, soil erosion could occur at an accelerated rate. The project would be required to comply with Chapter 23.24, *Grading, Erosion and Sediment Control*, of the EMC to minimize the potential for erosion and sedimentation. Additionally, the project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Erosion and sedimentation would be implemented as part of the site-specific Stormwater Pollution Prevention Plan (SWPPP) developed pursuant to the NPDES General Construction Permit. The project would implement BMPs identified in the SWPPP to

ensure erosion and sedimentation are minimized. Compliance with existing regulations, including the conditions of the NPDES General Construction Permit, a project-specific SWPPP and BMPs, and compliance with the City's *Grading, Erosion, and Sediment Control* requirements would ensure that soil erosion impacts are minimized and would be less than significant.

The project does not propose the use of septic tanks or alternative wastewater disposal systems, and as such, would not result in impacts associated with soils incapable of supporting such systems. Project impacts associated with paleontology are discussed in Section 4.5, *Cultural Resources*.

Compliance with EMC, CBC, project-specific geotechnical recommendations, and implementation of an SWPPP and BMPs at the project site would ensure that geology and soils impacts would be less than significant. Therefore, geology and soils impacts are not further discussed in this EIR.

6.5.4 Greenhouse Gas Emissions

CEQA Guidelines Section 15064.4 states that: "A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." In performing that analysis, the lead agency has discretion to determine whether to use a model or methodology to quantify greenhouse gas (GHG) emissions, or to rely on a qualitative analysis or performance-based standards. In making a determination as to the significance of potential impacts, the lead agency then considers the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting, whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project and the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional or local plan for the reduction or mitigation of GHG emissions.

The City has adopted an interim threshold based on the Bay Area Air Quality Management District's (BAAQMD) *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts*. BAAQMD states its new climate change thresholds follow an approach endorsed by the Supreme Court in Center for *Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204. Under this approach, BAAQMD considers projects that do their "fair share" of what is required to meet the state's ambitious long-term climate goals to have a less than significant impact on climate change for CEQA purposes, and it defines the long-term climate goals as achieving carbon neutrality by 2045. BAAQMD finds that in order to do its required "fair share" a land use project must either be consistent with a robust local GHG reduction strategy meeting the criteria of CEQA Guidelines Section 15183.5(b) or it must include certain minimum design elements.

As identified in CEQA Guidelines Section 15183.5, if a project is consistent with an adopted qualified Greenhouse Gas Reduction Strategy that meets required standards, it can be presumed that the project would not have significant GHG emission impacts. The CAP (City 2018b) is a qualified GHG emissions reduction plan in accordance with CEQA Guidelines Section 15183.5. Pursuant to Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of a CAP (City 2018b). Projects that are consistent with the CAP, as determined through the use of the City's Single Family Green Building Checklist (Checklist), may rely on the CAP for the cumulative impact analysis of GHG emissions. [Projects that are consistent with

the City's CAP would not have a cumulatively considerable contribution to climate change.] GHG emissions impacts and conflicts with GHG reduction plans would be less than significant. Projects that are not consistent with the CAP must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the Checklist to the extent feasible. The project has been determined consistent with the CAP through the Checklist (**Appendix I**, *Single Family Green Building Checklist*). A Greenhouse Gases Technical Report (Dudek 2023d; **Appendix J**, *Greenhouse Gases Technical Report*) was prepared for the project to provide GHG emissions for informational purposes, which are summarized below.

GHG emissions would be generated during project construction and during operation of the project. Construction GHG emissions would be generated from off-road equipment and vehicle emissions, internal combustion engines used by construction equipment, vendor trucks, haul trucks and worker vehicles. Estimated total GHG emissions from construction activities would be approximately 712 metric tons of carbon dioxide equivalent (MT CO_2e). When amortized over 30 years, the estimated annual GHG emissions from project construction would be approximately 23.73 MT CO_2e). During operation, GHG emissions would be generated from mobile sources (vehicles); area sources (consumer product use, architectural coatings, and landscape maintenance equipment); energy sources; supply, conveyance, treatment, and distribution of water and wastewater; solid waste; and refrigerants (air condition and refrigeration). Total project GHG emissions during operation were estimated to be approximately 316.6 CO_2e annually. With the addition of the amortized construction emissions of approximately 23.7 MT CO_2e per year, the total annual emissions would be 340.3 CO_2e.

As discussed above, the project has been determined consistent with the CAP through the use of the Checklist. The project would implement the following measures identified in the Checklist: all-electric building requirements, installation of solar photovoltaic equipment sized according to California Title 24, Part 6, Energy Code Section 150.10(a), EV charging, and plumbing for a graywater system. The CAP has accounted for growth in housing through the 2020 CAP update. The project is consistent with General Plan land use and zoning, as modified by the State Bonus Density Law, and as such, the projected growth from development of the project would be consistent with CAP projections. The project would be consistent with the CAP and therefore, would be consistent with state GHG reduction goals and progress towards achieving carbon neutrality. Impacts associated with the generation of GHG emissions and consistency with applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions would be less than significant. Impacts associated with GHG emissions are not discussed further in this EIR.

6.5.5 Hazards and Hazardous Materials

The project would include the use of limited hazardous materials during construction activities, including but not limited to solvents, paints, fuels, oils, and transmission fluids. However, all materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the Department of Toxic Substances Control, the United States Environmental Protection Agency and the Occupational Safety and Health Administration. Additionally, the project would consist of single-family residential uses and would not contain uses that utilize large quantities or amounts of hazardous materials, such as manufacturing or industrial land uses. Project operation would involve the use of very small quantities of commercially available hazardous materials (e.g., paint, cleaning supplies), typical of

residential uses. While these materials could be potentially hazardous if handled improperly or ingested, these products are not considered acutely hazardous, are not generally considered unsafe, and would be present in small quantities typical of residential uses. All transport, storage, handling, and disposal of hazardous materials during project construction and operation would comply with applicable standards and regulations, ensuring that impacts associated with the transport, use, or disposal of hazardous materials would remain less than significant. Compliance with existing regulations would likewise ensure that the project would not result in the creation of a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

A number of schools are located within close proximity to the project site, including The Rhoades Middle School, located approximately 500 feet (0.1 mile) to the east, St. John School, located approximately 1,100 feet (0.15 miles) to the southeast, Sunset High School, located approximately 1,200 feet (0.2 miles)to the southwest, and the Phoenix Learning Center, located approximately 1,600 feet to the southwest of the project site. Although there are several schools located within 0.25 miles of the project site, the proposed residential project does not involve activities that would result in the hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school. As such, the project would result in less than significant impacts associated with hazards within 0.25 miles of a school.

The project site is not listed on the Department of Toxic Substances Control Hazardous Waste and Substances Site List (Cortese List, compiled pursuant to Government Code Section 65962.5; Department of Toxic Substances Control 2024). The project site was utilized for agricultural uses from the 1920s to the 1970s and was utilized as a nursery with greenhouses from approximately 1979 to the early 2000s (Hillman Consulting 2023a). Based on these historical uses, a limited subsurface investigation was conducted to test soil for constituents associated with historic pesticide use. Heavy metals were detectable in collected samples; however, all were detected at levels below regional screening levels, and as such, are not considered to be a hazardous condition (Hillman Consulting 2023b). Refer to the *Phase I and Phase II Environmental Site Assessments* contained in **Appendix Q** for details. For these reasons, the project would result in less than significant impacts associated with hazardous materials sites.

McClellan-Palomar Airport is the nearest airport to the project site, located approximately 5.5 miles to the north. As such, the proposed project is not located in an airport land use plan or within 2 miles of a public or private airstrip and would not result in a safety hazard for people residing or working in the project area. No impacts associated with airport safety hazards would occur.

Consistent with California Fire Code and the requirements of the Encinitas Fire Department, all roadways would be a minimum of 24 feet in width and would be maintained free and clear during construction to ensure emergency egress routes remain available. The project would not result in any alterations of configuration of existing roadways, although it would install a slight (approximately 3.5 feet) widening of Ocean Bluff Way. While the project includes a new private road through the development, the road would be constructed consistent with Fire Department requirements (with application of waivers associated with intersection centerline spacing and internal street radius requirements) to ensure emergency access and egress would be maintained. The Encinitas Fire Department, Engineering Department, and Traffic Engineering Department reviewed the proposed project, including waivers, and concluded it would not result in any circulation hazards or fire access issues. Therefore, construction of the project would not interfere

with the implementation of or physically interfere with any adopted emergency response plans or emergency evacuation plan.

The project site is located within an urbanized infill area and is not within a designated Very High Fire Hazard Severity Zone (City 2023b) or located adjacent to an undeveloped open space. The project would be constructed consistent with the EMC, CBC, and Encinitas Fire Department standards with regard to urban-wildland fire interface. As such, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

Therefore, the proposed project would have a less than significant impact to the public or the environment associated with hazards and hazardous materials. This issue is not further discussed in this EIR.

6.5.6 Hydrology and Water Quality

Potential project-related water quality impacts are associated with both short-term construction activities and long-term operation and maintenance of the project. Pollutants of concern during project construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste and chemicals. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and transport of sediment downstream compared to existing conditions. During a storm event, soil erosion could occur at an accelerated rate. In addition, construction-related pollutants such as chemicals, liquid and petroleum products (e.g., paints, solvents and fuels), and concrete-related waste could be spilled, leaked or transported via stormwater runoff into nearby drainages and into downstream receiving waters. The potential impacts would be addressed through conformance with City stormwater standards (EMC Chapter 20.08, *Stormwater Management and Discharge Control Ordinance*), the City's *Grading, Erosion, and Sediment Control Ordinance* (EMC Chapter 23.24), and the NPDES Construction General Permit. The project would be required to prepare and implement an SWPPP in accordance with state and City and NPDES requirements. BMPs would be implemented to the maximum extent practicable to eliminate or reduce pollutants from the construction site from entering the City's stormwater conveyance system. Typical BMPs include temporary soil stabilization measures (e.g., mulching and seeding), storage of materials and equipment to ensure that spills or leaks cannot enter the storm drain system or stormwater, and using filtering mechanisms at drop inlets to prevent contaminants from entering storm drains. Water quality impacts associated with construction would be temporary and would be minimized consistent with the requirements of the EMC and the NPDES permit. As such, water quality impacts associated with construction would be less than significant.

To address post-development pollutants that may be generated from development projects, the project would comply with the City's stormwater standards and the Regional Municipal Separate Storm Sewer System (MS4) Permit. The project would implement various source control and site design BMPs required of all development projects. Runoff from proposed hardscape areas would be directed to landscaped areas in an effort to disperse drainage to pervious services. Landscaping would remove sediment and particle-bound pollutants from stormwater and would assist in decreasing peak runoff by slightly increasing the site's overall time of concentration (Pasco Laret Suiter & Associates 2024b; **Appendix K**, *Preliminary Hydrology Study*). Additional site design and source control measures would be implemented as applicable. The City has determined that the proposed project is a Priority Development Project (PDP) and PDP structural BMPs would be

required for pollutant and hydromodification control (Pasco Laret Suiter & Associates 2024a; **Appendix L**, *City of Encinitas Stormwater Intake Form and Priority Development Project Stormwater Quality Management Plan*). Hydromodification management flow control structural BMPs would be required. The project includes the construction of two biofiltration basins in the northwest and northeast corners of the project site, respectively, and four tree well BMPs along Ocean Bluff Way to treat flows leaving the site. Compliance with City requirements for PDPs would ensure that the project would not result in operational impacts to water quality.

Groundwater was not encountered during geotechnical exploration of the project site; based on the anticipated depth of site work, groundwater is not anticipated to be a factor in site development (GeoTek 2023). As such, the project is not expected to require dewatering activities that would substantially decrease groundwater supplies. The project site is currently vacant, with an asphalt concrete driveway, an access road, and wireless antenna facilities creating a small amount of existing impervious areas, covering approximately 0.7 acres of the site. Implementation of the project would increase impervious areas at the site by 2.83 acres, for a total of 2.76 acres of impervious acres. While the project would result in a decrease in pervious areas available for groundwater recharge, it would not interfere substantially with groundwater recharge such that it may impede sustainable groundwater management. Impacts would be less than significant.

The project would result in the development of a portion of the project site with new residential development, including the installation of stormwater infrastructure; however, similar to the existing condition, the project site would continue to ultimately discharge to one major watershed and receiving body. In the existing condition, runoff primarily drains via sheet flow and has three primary discharge locations. A portion of the site runoff drains through adjacent lots creating a cross-lot drainage condition through the lot at 500 Camino De Orchidia, an unassigned vacant lot off Encinitas Boulevard, and 911 Encinitas Boulevard. All runoff ends up in the buried public storm drain system and confluences at a sump inlet adjacent to 662 and 710 Encinitas Boulevard (Pasco Laret Suiter & Associates 2024b). Runoff continues downstream together before ultimately reaching the Pacific Ocean at Moonlight Beach. The developed condition would result in an increase in peak runoff in the post-project condition; however, the project includes the construction of two biofiltration basins and BMP systems which would detain and reduce the peak discharge leaving the site to below pre-development conditions. The developed condition would also improve the cross-lot drainage conditions by eliminating drainage through 500 Camino De Orchidia and would reduce the amount of runoff draining through the unassigned vacant lot off Encinitas Boulevard and 911 Encinitas Boulevard.

The proposed drainage changes would not result in substantial erosion or siltation on- or off-site. As discussed above, the project would be required to comply with the requirements of the EMC and the NPDES permit, which would ensure erosion is minimized through the implementation of an SWPPP and BMPs and would comply with the City's stormwater standards and the Regional MS4 Permit. Additionally, the proposed drainage improvements would ensure that the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The developed condition would reduce the peak discharge leaving the site to below pre-development conditions. The proposed stormwater infrastructure has been sized to sufficiently convey the on-site and off-site 100-year storm event peak flow rate in the post development condition and would improve the existing cross-lot drainage issues that currently exist. Additionally, storm drainage would be treated by the project's biofiltration basins before leaving the

site, ensuring that the project would not provide substantial additional sources of polluted runoff. Hydrology impacts associated with the alteration of existing drainage patterns on site or in the area, including the potential for substantial erosion or siltation, flooding on- or off-site, creating or contributing runoff that would exceed the capacity of existing or planned stormwater drainage systems, providing substantial sources of polluted runoff, and impeding or redirecting flood flows, would be less than significant.

The project site is located within Federal Emergency Management Agency (FEMA) flood zone X, which are areas with a 0.2 percent annual chance of flood (also known as 500-year flood; FEMA 2019). The project site is not located within a mapped FEMA Special Flood Hazard Area. The project site is not located within a Tsunami Inundation Hazard Zone. The potential for hazards such as a seiche or a tsunami is remote due to the site elevation and distance from open bodies of water (GeoTek 2023). Thus, the project would not result in the risk release of pollutants in a flood hazard, tsunami, or seiche zone. No impact associated with inundation by flood, tsunami, or seiche would occur.

The project would comply with City stormwater standards (EMC Chapter 20.08, *Stormwater Management and Discharge Control Ordinance*), the City's *Grading, Erosion, and Sediment Control Ordinance* (EMC Chapter 23.24), and the NPDES Construction General Permit, including implementation an SWPPP and BMPs to manage stormwater during construction activities. The project includes the construction of two biofiltration basins and four tree well BMPs to treat flows before leaving the site. With implementation of general site management and erosion and sediment control BMPs, discharges of sediments and other pollutants would be reduced. As such, the project would not conflict with a water quality control plan.

In San Diego, there are four groundwater basins subject to the Sustainable Groundwater Management Act: Borrego Valley, San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley. The project site is not located within or in close proximity to any of these groundwater basins. The project does not propose the use of groundwater and would not otherwise deplete groundwater supplies. As such, the project would not result in impacts associated with implementation of a sustainable groundwater management plan.

Hydrology and water quality impacts would be less than significant and are not further discussed in this EIR.

6.5.7 Mineral Resources

The project site is designated as Mineral Resource Zone 3 (MRZ-3) (California Department of Conservation 1996). The MRZ-3 designation indicates an area containing mineral deposits the significance of which cannot be evaluated from available data. The project site is designated for residential uses by the City's General Plan and is not currently utilized for mineral extraction activities. Based on the urbanized setting and adjacent residential uses, it is not expected to be appropriate for mineral extraction activities. As such, implementation of the project would not result in the loss of availability of a known mineral resource that would be of value to the region or the state, or the loss of availability of a locally important mineral resource recovery site. No impact associated with mineral resources would occur and this issue is not discussed further in this EIR.

6.5.8 Population and Housing

The project would construct 27 single-family residential dwelling units in compliance with State Density Bonus Laws and the City's Inclusionary Housing regulations. Although the base zoning allows for the construction of 13 dwelling units (based on net acreage), the application of State Density Law allows for 18 dwelling units (based on gross acreage) at the project site and with the inclusion of units for "very low income" households, the project qualifies for 9 additional units pursuant to the State Density Bonus Law (Government Code section 65915(f)(2)). The proposed 27 units would have an estimated population of 75 people (Dudek 2024a). According to the SANDAG 2021 Regional Plan, the City is projected to grow by 1,966 persons and 1,650 housing units between 2016 and 2050 (SANDAG 2021b). The project site is located within an urbanized area with existing infrastructure, and on a site designated for residential uses. The population growth associated with the project is well within the regional growth projections for the City. The project would not directly or indirectly induce substantial population growth in the area but would help meet the demand for housing within the City and the San Diego region. Project impacts associated with substantial unplanned population growth would be less than significant. There is no existing housing on the project site; therefore, no reduction in housing stock would occur. The project would not displace existing people or housing, and no impact associated with this issue would occur. Population and housing impacts are not further discussed in this EIR.

6.5.9 Public Services

Fire protection services in the City are provided by the Encinitas Fire Department. The Encinitas Fire Department has six stations strategically located in different areas of the City to provide fire protection coverage to the community (City of Encinitas 2024b). Encinitas Fire Station 5, located at 540 Balour Drive, is the closest fire station to the project site, located approximately 0.4 miles to the southeast. The project is an infill project, located in a developed area that is currently served by the Encinitas Fire Department. While the construction of new residential dwellings would result in an incremental increase in demand for fire protection services, the project would be required to pay fire service mitigation fees, per the requirements of Title 23 of the EMC. Fees are determined by the Fire Chief and, once collected, are used to provide capital facilities and equipment for fire prevention and control, to include station construction, station expansion, and fire apparatus acquisition (EMC Section 23.92.040). The project is consistent with the land use designation for the site and the State Density Bonus Law and regional population and housing projections. Therefore, the project would not result in the need for new or expanded fire protection facilities, the construction of which could cause significant environmental impacts. Impacts associated with the provision of fire protection services would be less than significant.

Police protection services in the City are provided by the San Diego County Sheriff. The North Coastal Sheriff Station is located at 175 North El Camino Real and provides services for the cities of Encinitas, Solana Beach, and Del Mar and the unincorporated area of Rancho Sante Fe (City of Encinitas 2024c). The project would result in a slight increase in demand for police protection services, based on an increase in population of approximately 75 people; however, the project site is located in an urbanized area already receiving services from the San Diego County Sheriff. The incremental increase in demand associated with the development of an infill property would not result in the need for new or expanded police services or facilities. The project would result in less than significant impacts to police protection services.

The project site is located within the boundaries of the Encinitas Union School District (EUSD) and the San Dieguito Union High School District (SDUHSD). The proposed single-family residences would potentially contribute additional school-aged children to Ocean Knoll Elementary School (EUSD), Oak Crest Middle School (SDUHSD), and La Costa Canyon High School (SDUHSD). EUSD identifies a student generation factor of 0.1888 elementary students (grades TK–6) per household (EUSD 2024). SDUHSD identifies a student generation factor of 0.195 per residential unit for its schools (grades 7–12) (SDUHSD 2024). Based on the student generation factors identified by each school district, the project would be expected to generate approximately 5 elementary students (0.1888 x 27 units = 5.09 students) and approximately 5 middle and high school students (0.195 x 27 units = 5.26 students). The EUSD identifies available capacity in the school district of 176 students (EUSD 2024). SDUHSD identifies a projected enrollment that is larger than its ideal capacity through the 2025/2026 school year; however, SDUHSD notes declining growth through the 2028/2029 school year, with enrollment projected to be less than the SDUHUSD capacity for the 2027/2028 and 2028/2029 school years (SDUHSD 2024).

Government Code Section 65995 and Education Code Section 53080 authorize school districts to impose facility mitigation fees on new development to address any increased enrollment that may result. The project would be required to pay the current statutory developer fee for residential construction. In August 1998, the Governor signed into law Senate Bill 50, also known as the Leroy Greene School Facilities Act of 1998. This bill made major changes in the State Facilities Program as well as the rules and regulations surrounding the use of "developer fees" as mitigation for school districts in California. Education Code Section17620 was amended to create the provisions of Government Code Section65995. The legislation holds that an acceptable method of offsetting a project's effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit. Once paid, the school impact fees would serve as mitigation for any project-related impacts to school facilities. The project would be required to pay developer fees to EUSD and SDUHSD, which are based on the square footage of proposed development. Payment of developer fees is considered full mitigation for school facility impacts. As such, the proposed project would not result in significant impacts to schools that would require the need for new or expanded school facilities. Impacts would be less than significant.

The Encinitas Parks, Recreation and Cultural Arts Department (Parks, Beaches and Trails Division) maintains and operates parks in the City, including 10 miles of streetscapes, 82 acres of open space, 152 acres of developed and undeveloped parks, 45 acres of beaches, and 40 miles of trails (City 2024d). The City's Parks, Beaches, Trails, and Open Space Master Plan identifies a total of approximately 1,643 acres of parks, beaches, and open space within the City (City 2016). The General Plan Recreation Element (City 1991) identifies a minimum of 15 acres of local recreational area for each 1,000 population of the community. With an estimated population of 75 people, the project would generate an incremental increase in demand for usage of recreational facilities. Utilizing the identified ratio of 15 acres per 1,000 residents, parkland required for 75 new people within the City is estimated at approximately 1.13 acres. Residential development in the City is required to provide parkland dedication or payment of in-lieu fees prior to the issuance of a certificate of occupancy to offset the impacts of increased demand on park and recreational facilities. No parkland dedication is proposed by the project. However, with the payment of parkland impact fees, impacts to parks associated with the project would be less than significant.

The project and associated increase in residents in the City may generate an increased demand for library services or other government services. However, an increase in demand associated with approximately 75 residents is nominal when considered with the City's estimated 2025 population of approximately 63,476 (SANDAG 2021). The incremental increase in demand is not expected to require the construction of new or expanded library or government services. Impacts would be less than significant.

6.5.10 Recreation

The project includes the construction of single-family homes, which would contribute to an increase in the City's population, potentially resulting in an incremental increase in demand for recreational facilities in the City. The project would be required to pay park development impact fees. The payment of development impact fees would ensure that impacts associated with increased usage of park and recreational facilities would be less than significant. The proposed project does not include public recreational facilities or require the construction or expansion of public recreational facilities, which might have an adverse physical effect on the environment. While the project would result in the construction of new residences, based on its relatively small size and expected population, it is not expected to result in a substantial increase in demand for recreational facilities so as to require the construction of new or expanded facilities. The project, in and of itself, would not create the need to construct additional recreational facilities elsewhere that would have an adverse physical impact on the environment. The project would be required to pay in-lieu fees to offset increased demand on park and recreational facilities. Impacts would be less than significant. This issue is not further discussed in this EIR.

6.5.11 Utilities and Service Systems

Water service is provided to the project site by the San Dieguito Water District (SDWD). The project would install approximately 805 linear feet of 8-inch water main, which would loop through the project site within the internal project street and connect to the existing 8-inch water main on Ocean Bluff Way. The project would be served by the 520 Pressure Zone. A water system hydraulic analysis for the project (Ardurra 2024; **Appendix M**, *Water System Hydraulic Analysis Technical Memorandum*) indicates that the existing water system can provide domestic and fire services to the project while maintaining the SDWD design criteria. As such, the project would not require or result in the relocation of construction of new or expanded water services.

Wastewater services are provided to the project site by the City. The site is located within the Encinitas Sanitary Division service area, which serves a population of approximately 17,000 residents in a three-square-mile area in the westerly and central portions of the City (City 2023c). The existing sewer system in the vicinity of the project consists of gravity sewer pipelines, including an 8-inch gravity sewer line in Ocean Bluff Way that conveys flow east to a sewer line in an easement that then flows north to the Encinitas Trunk Sewer in Encinitas Boulevard. The Encinitas Trunk Sewer conveys flows west to the Moonlight Beach Pump Station, located west of Interstate 5. The pump station conveys flows north for treatment and disposal. The project proposes construction of a public backbone sewer system within the project site, consisting of sewer laterals from the residences and an 8-inch sewer line running though the roadway of the project's internal street. The laterals from all of the proposed residential units would be connected to the onsite backbone 8-inch sewer line. This new 8-inch sewer line on the project site would connect with the existing 8-inch sewer line in Ocean

Bluff Way, near the western project driveway. Flows would then proceed west and north before connecting to the Encinitas Trunk Sewer in Encinitas Boulevard. The projected average sewer flows are 4,860 gallons per day (gpd), based on 180 gpd per unit (27 units x 180 gpd = 4,860 gpd), with a projected peak flow of 20,417 gpd (14 gallons per minute) (Dexter Wilson Engineering 2023; **Appendix N**, *Sewer System Analysis for the 501 Ocean Bluff Way Project*). A local sewer system analysis conducted for the project indicates that all existing and proposed sewer lines would meet established standards and no off-site sewer improvements would be required (Dexter Wilson Engineering 2023). As such, the project would not require or result in the relocation or construction of new or expanded wastewater services. Impacts would be less than significant.

The project includes the installation of stormwater drainage infrastructure at the project site. As discussed in Section 6.5.6, *Hydrology and Water Quality*, the developed condition would result in an increase in peak runoff in the post-project condition; however, the project includes the construction of two biofiltration basins and BMP systems which would detain and reduce the peak discharge leaving the site to below pre-development conditions. The project stormwater infrastructure has been sized and designed to accommodate the required flows and would reduce flows to below pre-development conditions. As such, the project would not require or result in the relocation or construction of new or expanded stormwater drainage facilities. Impacts would be less than significant.

Electric and telecommunication utilities exist in the area and services are provided to adjacent and surrounding uses. The project would connect to existing electric infrastructure located in Ocean Bluff Way. Electricity and telecommunications providers would extend service to the project in accordance with rules and policies for extension of service on file with the California Public Utilities Commission. No connections with the existing natural gas infrastructure are proposed. With existing services located adjacent to the project site, implementation of the project would not require the relocation or construction of new or expanded electric power or telecommunication distribution facilities. Impacts would be less than significant.

In regard to water supply, the project area receives water service from SDWD. SDWD's water service area covers 5,647 acres within the City and in 2020, provided water to 37,856 customers (SDWD 2021). The 2020 Urban Water Management Plan (UWMP) (SDWD 2021) indicates that the SDWD's service area is mostly developed, and the plan indicates that population within its service area is projected to increase by approximately 3,400 people, or about 9 percent, over the next 25 years. SDWD's water supply sources include imported water purchased from the San Diego County Water Authority (SDCWA), local water from Lake Hodges, and recycled water purchased from the San Elijo Joint Powers Authority (SEJPA). According to the 2020 UWMP, SDCWA anticipates imported and stored water would be sufficient to meet future demands of its member agencies under the single dry year and multiple dry year assessment when accounting for changes in local supply availability and regional demands (SDWD 2021). Pursuant to State Water Code Section 10912, a project is not required to demonstrate or verify that there is sufficient water supply to serve the project when less than 500 residential dwelling units are proposed. As such, SDWD could purchase additional supplies from SDCWA to supplement reductions in local water surface supplies during drought conditions. The SEJPA also has the capacity to increase recycled water deliveries to SDWD during drought conditions. As such, the 2020 UWMP indicates that projected available supplies would meet anticipated demands during normal water year, single dry year, and multiple dry year conditions.

The anticipated average daily water usage of the project is approximately 14,175 gpd or 10 gallons per minute (gpm) (Ardurra 2024). The project is consistent with General Plan land use designation and zoning for the project site but would allow additional units consistent with the State Density Bonus Law, and thus, has been considered in the projections utilized in SDWD's 2020 UWMP for future demand. The project would be required to comply with federal, State, and local plans, policies and regulations, including Executive Order B-40-17, which prohibits wasteful water use. The project includes the installation of low flow fixtures. Additionally, permanent irrigation systems would be installed per the requirements of the EMC, Chapter 23.26, *Water Efficient Landscape Program*, whose purpose is to reduce potable water demand through the implementation of regulatory controls affecting landscape design in the City. Additionally, Chapter 3.1.2 of the CAP contains measures that can be implemented to reduce water consumption and related energy costs associated with water reclamation and transport (City 2018b). The performance metric for CAP Measure WE-1 sets a goal of five gallons saved per capita per day. The project would install low flow water fixtures (e.g., toilets, faucets) in all residences, thereby achieving water conservation over the long term. It is anticipated that such measures would achieve a reduction of five gallons of water per person per day, consistent with the performance metric set forth in the CAP. Based on the availability of water supplies identified by SDWD in the 2020 UWMP, and the implementation of water conservation measures by the project, impacts associated with water supply availability during normal, dry, and multiple dry years would be less than significant.

As discussed above, wastewater treatment services for the project would be provided by the City. An analysis of the proposed on-site system and for the existing 8-inch offsite sewer line in Encinitas Boulevard indicates that all existing and proposed sewer lines analyzed would meet the City's requirements during peak flow condition, and no off-site improvements would be required (Dexter Wilson Engineering 2023). Additionally, the sewer system downstream of the 8-inch sewer line in Encinitas Boulevard was evaluated as part of the 2023 Sewer Master Plan (City 2023c), and it found that no capacity-based capital improvement projects were needed in this area. Adequate capacity exists in the system to accommodate the project. As such, the project would not result in a determination by the wastewater treatment provider which serves the project that it has inadequate capacity to serve the project's projected demand in addition to the providers' existing commitments. Impacts would be less than significant.

The City has an exclusive franchise agreement with EDCO Waste and Recycling services to provide solid waste collection services in the City for both residential and commercial customers (City 2024e). Residential trash service includes recycling, yard and organic waste, and landfill bins so that disposed items can be sorted for recycling and reuse. Solid waste collected in the City is taken to a local transfer station and then to the Otay Landfill in Chula Vista or the Sycamore Landfill in Santee. Otay Landfill is permitted through 2030 with a remaining capacity of 21.1 million cubic yards (cy) and Sycamore Landfill is permitted through 2042 with a remaining capacity of 113.9 million cy (CalRecycle 2024a).

Construction of the proposed project would result in generation of waste construction materials, demolished materials from the existing wireless communication facilities and remnants of concrete and asphalt present at the site, and other waste. The proposed project would comply with the requirements of the City's Construction & Demolition Debris (C&D) Ordinance (EMC Chapter 11.22), which helps divert waste from landfills and comply with statewide mandates. Projects are required to reuse, salvage, or recycle 65 percent of all C&D debris generated from the project. The

construction contractor would collect and sort waste materials for diversion to ensure compliance with statewide mandates.

In the operational phase, the proposed project would generate household waste and be serviced by the City's contracted waste hauler for residential trash hauling. CalRecycle's residential sector generation rates provide a range of generation rates for single-family residential uses, ranging from 7.8 to 11.4 pounds per unit per day. Utilizing a 10 pound per residential unit per day rate (CalRecycle 2024b), the project is expected to generate approximately 270 pounds of waste daily (10 pounds per unit per day x 27 units = 270 pounds), or approximately 49 tons per year (270 pounds per day x 365 days = 98,550 pounds; 98,550 pounds/2,000 pounds per ton = 49.28 tons). Long-term operation of the project would include residential recycling and green/organics waste programs to reduce the amount of solid waste the residential development contributes to landfills in compliance with state regulations. The City's CAP sets a goal of reducing GHG emissions from landfills by implementing a Zero Waste Program that promotes waste prevention, recycling, and diversion of organic waste. Through the CAP strategy, the City's goal is to reduce residents' waste generation to 3 pounds per person per day by 2030 (City 2024f). As the proposed project is consistent with the General Plan land use and zoning for the site, with additional units allowed by the State Density Bonus Law, and because the project would comply with the City's requirements for waste reduction, recycling, and reuse programs, impacts associated with the generation of solid waste would be less than significant.

The proposed project would be conditioned to comply with all regulations related to solid waste such as the California Integrated Waste Management Act and City recycling programs; therefore, no impact associated with compliance with federal, state, and local management reduction statues and regulations would occur.

As discussed above, the project would result in less-than-significant utilities impacts. Thus, utilities impacts are not discussed further in this EIR.

6.5.12 Wildfire

Although portions of the City are located within the wildland-urban interface, the project site is in an urbanized area and not located in or near state responsibility areas or near lands classified as a Very High Fire Hazard Severity Zone (City 2023b). In addition, according to the California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone Map, the project site is not located within a High or Very High Fire Hazard Severity Zone (CAL FIRE 2024).

The project would not impede access to any nearby roadways that may serve as emergency access routes in the project vicinity. While the project includes a new private loop road through the development, the road would be constructed consistent with Fire Department requirements (with application of waivers related to intersection centerline spacing and internal street radius requirements) to ensure emergency access and egress would be maintained. Encinitas Boulevard, which is located north of the project site, is identified as an evacuation route in the City's Safety Element (City 2023d). Egress and access to the project site would be accomplished via the proposed connection on Ocean Bluff Way, and no access would be provided to the project site from Encinitas Boulevard. The Encinitas Fire Department, Engineering Department, and Traffic Engineering Department reviewed the proposed project, including waivers, and concluded it would not result in

any circulation hazards or fire access issues. As such, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

The project site is an infill property surrounded by development. Portions of the site have been previously graded, and the site contains existing natural and manufactured slopes, including 4.77 acres of existing natural slopes 0–25 percent, 0.23 acres of existing natural slopes 25 –40 percent, 0.71 acres of existing natural slopes greater than 40 percent, and 1.48 acres of existing manufactured slopes greater than 25 percent. While most of the project development area occurs outside of the steep slopes on the project site, the project would encroach into 0.077 acres of steep slope area, consistent with the requirements of EMC Section 30.34.040, *Hillside/Inland Bluff Overlay*. Slope stability analyses have been conducted on the existing terrain at the project site, and the slopes have been determined to be stable (CTE Cal Inc. 2017; Geotech 2023). The proposed grading of the site, with the measures specified in the Updated Geotechnical Evaluation (GeoTek 2023; Appendix G) for earthwork, site clearing and preparation, cut/fill transitions, engineered fill, and slope construction would ensure that impacts associated with slope stability and landslides would be less than significant. The proposed project would follow the site-specific construction recommendations and would also be constructed consistent with the EMC and CBC requirements. Prevailing winds in the SDAB are light, generally westerly to northwesterly, although the usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds (Dudek 2024a). As previously discussed, the project site is in an urbanized area, surrounded by development. It is not located adjacent or near to wildland interfaces or other uses that would exacerbate wildfire risks due to prevailing winds. Exacerbated wildfire risks impacts associated with slopes, prevailing winds, and other factors that would exacerbate wildfire risks and thereby expose occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire would be less than significant.

The project would not require the installation of on-site or off-site infrastructure that would exacerbate fire risk or result in significant environmental impacts. The project area is urbanized, and utility installation would be limited to those occurring on the project site. The installation of project utilities or maintenance of associated infrastructure would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Additionally, the proposed project would comply with City and Fire Department safety regulations for project construction and operation.

The proposed project would not exacerbate wildfire risks or potentially expose project occupants to wildfires. The project site is also not located within a flood hazard zone and would not be susceptible to flooding or landslides due to post-fire drainage changes. Further, as discussed in Section 6.5.6, *Hydrology and Water Quality*, of this EIR, the project is not expected to result in significant adverse impacts with respect to runoff or drainage given compliance with existing stormwater regulations. As discussed above, the project would be constructed consistent with the site-specific recommendations, the EMC, and CBC to ensure slope stability and landslide impacts would be minimized. Therefore, the proposed project would not expose people or structures to a significant loss, injury or death involving wildland fires and the impacts would be less than significant. This issue is not further discussed in this EIR.

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7. REPORT PREPARERS

7.1 Lead Agency

City of Encinitas

Esteban Danna, Senior Planner

7.2 EIR Preparation

Baranek Consulting Group, Inc.

Kim Baranek, Principal
Sheryl Horn, Senior Environmental Planner
Justin Palmer, GIS Manager
Joel Miller, Document Production

Technical Report Peer Reviewers

Air Quality Technical Report, Jeremy Louden, LdN Consultants
Biological Technical Report, Veronika Archer, SummitWest Environmental
Cultural Resources Inventory Report, Holly Drake, ASM Affiliates
Noise Technical Report, Jeremy Louden, LdN Consultants

Technical Report Preparers

Air Quality Technical Report – Dudek

Elena Nuño, Senior Air Quality Specialist

Biological Technical Report – Dudek

Dylan Ayers, Biologist
Olana Chow, Graphics
Christopher Oesch, Technical Editor
Felisa Pugay, Formatting

Cultural Resources Inventory Report – Dudek

Keshia Montifolca
Makayla Murillo
Brad Comeau
Micah Hale

Noise Technical Report – Dudek

Connor Burke

Vehicle Miles Traveled Analysis – LOS Engineering, Inc.

Justin Rasas, Principal

Local Transportation Analysis – LOS Engineering, Inc.

Justin Rasas, Principal

Updated Geotechnical Evaluation – GeoTek, Inc.

Christopher D. Livesey, Vice President
Edwin R. Cunningham, Project Engineer

Geotechnical Evaluation Lots 15 to 17 Re-Alignment – GeoTek, Inc.

Christopher D. Livesey, Vice President
Edwin R. Cunningham, Project Engineer

Single Family Green Building Checklist – Rincon Group

Kevin Dunn

Greenhouse Gases Technical Report – Dudek

Elena Nuño, Senior Air Quality Specialist

Preliminary Hydrology Study – Pasco Laret Suiter & Associates, Inc.

Tyler G. Lawson

Stormwater Intake Form and Priority Development Project Stormwater Management Plan – Pasco Laret Suiter & Associates, Inc.

Tyler G. Lawson

Water System Hydraulic Analysis – Adurra

Lamyaa Negm
JiaJia Huang

Sewer System Analysis – Dexter Wilson Engineering, Inc.

Kathleen Heitt, PE

Phase I Environmental Site Assessment – Hillman Consulting

Gabriela Cyrulik
Ryan Terwillger

Limited Phase II Subsurface Investigation Report – Hillman Consulting

Dan Louks, Professional Geologist
Kofi Bonner, Project Manager

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